

1 MR SMITH: So, to introductions, my name is Rynd Smith. I'm the lead member
2 of a panel, which is the Examining Authority for the Lower Thames
3 Crossing application. And I am in the chair also for this part of the
4 hearing.

5 I will draw your attention to frequently asked questions, a document
6 that is linked to our rule 6 letter and available on our website. You'll find
7 my brief biography there and an explanation of the purpose of the
8 Examining Authority's appointment.

9 My fellow panel members will shortly introduce themselves and I
10 will flag that they, too, have biographies in that FAQ document. So I'm
11 going to start by moving to introduce my colleague Mr Dominic Young.

12 MR YOUNG: Good morning, everybody. I'm Dominic Young and I will be leading
13 today on agenda items 3, 4(b) and 4(d), and I will ask questions as they
14 arise. I'll now introduce my panel member, Mr Ken Taylor.

15 MR TAYLOR: Good morning, everybody. My name is Ken Taylor. I'm a member
16 of this panel and I will be jointly leading on matters in relation to agenda
17 item 4(c), along with my colleague, Mr Smith. And I may also ask
18 questions on other agenda items if they arise. I will now hand over to my
19 colleague, Mr Ken Pratt.

20 MR PRATT: Good morning, everybody. I'm Ken Pratt and I'm a member of this
21 panel and I'll be leading on item 4(e). But, as with my colleagues, I'll also
22 ask questions on other matters, if they arise. When not directly leading
23 on an item, I probably will switch off my camera to allow you to focus on
24 those speaking but be assured that I will be listening to everything that is
25 being said. And, at this point, I'm going to hand across to my colleague,
26 Ms Janine Laver.

27 MS LAVER: Hello and good morning, everyone. I'm Janine Laver. I will be
28 leading on matters in agenda items 4(f) and 4(h) for this hearing. I may
29 also ask questions on other matters if they arise. I'll hand you back to Mr
30 Smith. Thank you.

31 MR SMITH: Thank you very much, Ms Laver. This is Rynd Smith, panel lead,
32 speaking again. And, indeed, just returning to what my colleague Mr Ken
33 Pratt said, you may note that a number of us switch off our cameras as
34 we move through the event. We will normally have at least one lead

1 member of the Examining Authority on camera to lead the discussion;
2 the rest of us may drop into the background in order to absorb what is
3 being said.

4 Having introduced the panel here today, I will flag that, in case the
5 internet fails us, we have all arranged deputies for each other's roles that
6 we've announced so, if we do change roles or lead on different items,
7 don't be disconcerted. That will all be part of the plan for this event.

8 I will also introduce our Planning Inspectorate colleagues working
9 with us on the examination today, some of whom you will have spoken
10 to already. Eleanor Church and Ted Blackmore jointly case-manage the
11 Planning Inspectorate team for the application. The team delivering this
12 hearing is led by Eleanor with case officers Ryan Sedgman and Katy
13 O'Loan in registration and planning officer Alice Humphries supporting
14 the Examining Authority.

15 The agenda papers have been circulated and hopefully they do
16 provide a clear explanation of our and your reasons for being here today:
17 to hold this issue-specific hearing. And this provides the applicant with
18 their first opportunity to make submissions – their opening submissions
19 – in a more conventional manner, to introduce the Lower Thames
20 Crossing project as they see it, as they have applied for it, to you and to
21 us.

22 This hearing then provides the Examining Authority's first
23 opportunity to explore the definition, the shape of the project:
24 assumptions, design processes. Those things that have led it at a
25 strategic level to taking the form that it does. And we will be asking what
26 may seem to some of you to be some very basic questions about why
27 the project has been brought forward in the way as it has. But be
28 conscious of the fact that we are starting here at the beginning of a very
29 substantial, a very complex, rationale for a very large, a very complex
30 and a very important project. And so we do need to start that story at the
31 beginning.

32 You'll see that we're holding another issue-specific hearing
33 tomorrow: issue-specific hearing 2, into the draft development consent
34 order. In order to authorise a project such as this, the applicant needs

1 the Secretary of State for Transport to make a piece of law – delegated
2 legislation – the development consent order or DCO. The applicant has
3 prepared a draft DCO as their starting point and, mindful that we will be
4 making a recommendation to the Secretary of State about whether this
5 project should proceed or not, we’re not the decision-makers so we must
6 also provide the Secretary of State with the best draft development
7 consent order that we can. So we will need to explore the drafting of the
8 DCO with the applicant before we go any further in the examination
9 process.

10 Now, you’ll have got a sense from those opening remarks that both
11 of these two initial issue-specific hearings have been designed by us as
12 places to ‘unpack’. For the applicant, they enable the story to be told as
13 to why things are as they are as they see it and, for this Examining
14 Authority, they enable us to respond, to set out our first questions around
15 the story as we see it so far and review the large-scale and high-level
16 issues brought before us in the application documents, and, critically, in
17 1,147 relevant representations made by interested parties participating
18 in this examination.

19 But this is just the start. This is the beginning of a six-month
20 journey. And we are not going to put all of the issues that we need to put
21 before you today so if your issue doesn’t emerge in the discussions
22 today, please don’t be concerned. There’s plenty of time for issues to
23 emerge. And, in holding these ‘unpacking’ hearings, before we receive
24 detailed cases from interested parties, or indeed your written
25 representations at deadline 1 on 18 July – which is still nearly a month
26 away – we wanted to show and share, essentially to give you a sense of
27 what we see as major items for examination so that you, in turn, can
28 provide your amplified views or detail on these at deadline 1 and to say
29 whether these are big issues in your mind or whether other issues in your
30 mind might be.

31 We will be holding further rounds of hearings in September, October
32 and November 2023 and there will be a substantial number of issue-
33 specific hearings in those rounds where we will explore individual issues
34 in more detail.

1 You'll find information about the application and the documents
2 produced for the examination on the Planning Inspectorate's National
3 Infrastructure Planning website. This has a landing page for the Lower
4 Thames Crossing. Now, if you haven't found that website already, just
5 Google, 'Lower Thames Crossing Planning Inspectorate' and it will lead
6 you there. And it's important to be alive to the fact that we publish
7 everything that we accept as a document into the examination and also
8 recordings and transcripts of these hearings. And it's important to be
9 alert to that website because we'll use it to communicate with you and to
10 provide access to all of the documents that emerge as we move on.

11 Okay. You now know who we are and why we're here. And I'm
12 going to hand you over to my colleague, Ms Janine Laver and she will
13 start the process of asking you to introduce yourselves so, over to Ms
14 Laver.

15 MS LAVER: Thank you, Mr Smith. This is Janine Laver, panel member,
16 speaking. Just a quick caution: I may look to my left when I'm doing
17 introductions because I do have a list of people I think are here today to
18 speak and, in order to work through those, I need to move my eyes over
19 to the left side of my screen so please don't think I'm disengaged when
20 you are introducing.

21 I will be asking you individually to introduce yourselves to the
22 hearing but before I do, there are a few things that I need to cover. We
23 advised you in the agenda that we are being livestreamed and recorded.
24 The recordings we make are retained and published and form a public
25 record that can contain your personal information and to which the UK
26 general data protection regulation applies. Does anyone have any
27 questions about the terms on which our digital recordings are made? I'll
28 just look to see if there are any hands. No, I'm not seeing any raised
29 hands so we'll move forward on the basis that this is all understood.

30 We would now like to hear introductions from anyone who has
31 requested to be heard, either on their own behalf or representing another
32 person or organisation. We will need to know your name, the persons or
33 organisations you are representing and your role and briefly confirm the
34 items on the agenda that you think you may wish to speak on. Where an

1 interested party is represented by more than one person, I would as that
2 someone takes the lead on making the introductions and then ask each
3 member of your team that intends to speak to introduce themselves.

4 So I will start with local authorities and I would like to know who we
5 may have speaking for Essex County Council today, which items you
6 think you wish to speak on and if you have other colleagues that may
7 wish to speak.

8 MR MACDONNELL: Hello. My name's Gary MacDonnell and I'm representing
9 Essex County Council today. I will be in for the entirety of the hearing
10 today, not necessarily wishing to speak on any specific matter.

11 MS LAVER: Thank you very much, Mr MacDonnell. Do you have any colleagues
12 that are with you today?

13 MR MACDONNELL: No, it's just myself.

14 MS LAVER: Okay. I will move on now then to Kent County Council.

15 MR RATCLIFFE: Good morning. My name is Joseph Ratcliffe. I am a transport
16 strategy manager at Kent County Council. There is not a specific item
17 on the agenda I wish to speak at today though I am here for the entire
18 duration and will be able to respond to any questions, either orally or
19 following up in writing.

20 MS LAVER: Thank you, Mr Ratcliffe. I see that you are on your own today.

21 MR RATCLIFFE: Yes.

22 MS LAVER: Okay, thank you very much. Can I ask who is here to represent
23 Thurrock Council today, please?

24 MR EDWARDS: Yes, so, good morning, madam. I represent Thurrock Council
25 with various other representatives. My name is Douglas Edwards. I'm a
26 barrister and King's Counsel. I have three other representatives of
27 Thurrock Council in the room with me and a further representative, Mr
28 Davis who is online. And, with your permission, I'll just ask those around
29 this table to introduce themselves briefly.

30 MS LAVER: Yes, please. Thank you, Mr Edwards.

31 MR STRATFORD: Okay. Chris Stratford, town planner, Thurrock Council.

32 MS LAVER: Thank you.

33 MR BOWERS: I'm David Bowers, transport planner, representing Thurrock
34 Council.

1 DR BLACK: Morning. Colin Black, strategic lead for LTC at Thurrock Council.

2 MR EDWARDS: My hope is that Mr [Andy Davis?] is also present at the meeting.

3 He is not in the room with us but is joining online.

4 MR DAVIS: Yes, good morning. Andy Davis here, representing Thurrock.

5 Utilities lead.

6 MS LAVER: Wonderful. Is that everyone, Mr Edwards, for your team?

7 MR EDWARDS: Yes, that is, ma'am.

8 MS LAVER: Wonderful. Thank you very much. Can I now move on to

9 Gravesham Borough Council, please? Who will be taking the lead for

10 Gravesham?

11 MR BEDFORD: Morning, madam. My name is Michael Bedford, King's Counsel.

12 I will be taking the lead for Gravesham Borough Council but with me also

13 today are Ms Wendy Lane, who is the assistant director of planning, and

14 Mr Tony Chadwick, who is the NSIP project manager.

15 MS LAVER: Wonderful. I can see Ms Lane there. Mr Chadwick – is he on

16 screen?

17 MR BEDFORD: Mr Chadwick is here so – I mean, you can switch. Yeah, there

18 we are.

19 MS LAVER: Great. Thank you very much. I'll now move on to the London

20 Borough of Havering.

21 MR DOUGLAS: Good morning, madam. Good morning, everyone. My name is

22 Daniel Douglas. I'm the transport planning team leader at the London

23 Borough of Havering. There aren't any specific items on the agenda that

24 we're intending to speak on today but happy to answer any questions the

25 panel may have and we also may follow up on some points in writing at

26 deadline 1. And I'm also accompanied here today by my colleague, Lynn

27 Basford.

28 MS LAVER: Wonderful. Thank you very much. Does Ms Basford want to come

29 onto screen or happy just to sit in the wings?

30 MS BASFORD: Happy to sit in the wings but good morning. Lynn Basford here,

31 chartered town planner and transport planner working with Daniel on all

32 matters DCO.

33 MS LAVER: Thank you very much, London Borough of Havering. Can I turn

34 now to Medway Council, please?

1 MR BULL: Good morning, madam. My name is Andrew Bull. I'm a chartered
2 town planner. I'm representing Medway Council and I'm the only person
3 here from Medway Council. I'd like to make a representation on item
4 4(b), please.

5 MS LAVER: Great. Thank you very much, Mr Bull. I'll move on now to statutory
6 parties. Do we have anyone speaking please for the Port of Tilbury
7 London?

8 MS DABLIN: Good morning, yes. My name is Alison Dablin. I'm an associate
9 with Pinsent Masons and I'm here speaking on behalf of the Port of
10 Tilbury. I will be available all day. I do notice that a couple of items on
11 the agenda specifically mention the port but I'll be available all day should
12 it be necessary. Thank you.

13 MS LAVER: Okay, thank you. Do you have any colleagues with you today, Ms
14 Dablin, who may be speaking?

15 MS DABLIN: No, it's just me for today. Thank you.

16 MS LAVER: Okay. Thank you very much. Can I now go then to the Port of
17 London Authority?

18 MS DILLISTONE: Hello. I'm Alex Dillistone from Winckworth Sherwood, acting
19 on behalf of the Port of London Authority. And today with me I have Lucy
20 Owen from the Port of London Authority.

21 MS OWEN: Good morning.

22 MS DILLISTONE: We're particularly interested in agenda item 4 so the
23 Examining Authority's question on project definition, and particularly the
24 effects of the two-year re-phasing in capital funding, agenda item 4(c);
25 4(e), on routing and intersection design with relation to port access; 4(f),
26 in relation to the mitigation design and delivery but particularly with
27 regards to the acquisition of land; and the economic benefits, agenda
28 item 4(h). We're happy to answer any relevant questions around ports
29 as well, as the Port of London Authority, but we don't have any particular
30 desire to speak on any of those points today, bearing in mind that the
31 purpose of today is for really the Examining Authority's questions but we
32 are here to answer any questions, if necessary.

33 MS LAVER: That's great. Thank you very much. I'll turn now to the Transport
34 for London.

1 MR RHEINBERG: Good morning, madam. My name's Matthew Rheinberg,
2 major projects and urban design manager at Transport for London.
3 There are not specific issues we intended to speak on today but happy
4 to answer any questions and we may wish to raise points in response to
5 what others raise but no particular issues to raise today.

6 MS LAVER: Okay. Thank you, Mr Rheinberg. Do I have someone in the virtual
7 room for Northumbrian Water Ltd?

8 MS WOODS: Yes, good morning. My name is Sam Woods. I'm an associate
9 solicitor at Winckworth Sherwood. We are legal advisers to
10 Northumbrian Water Ltd, who trade in the area of the DCO as Essex and
11 Sussex Water so you'll see both of those names appearing on
12 documents. There are no particular agenda items that we wish to speak
13 on today but I will be generally around to assist the Examining Authority
14 if necessary and also, as with others, to follow up in writing at deadline
15 1.

16 MS LAVER: Excellent. Thank you very much, Ms Woods. Do I have a
17 representative now then for Shorne Parish Council?

18 MS LINDLEY: Hello, there. Yes. Good morning. My name is Susan Lindley.
19 I'm a parish councillor in Shorne and I'm chair of the planning and
20 highways committee. I'm the only person from Shorne attending today.
21 I don't have any specific points that I wanted to intervene on but obviously
22 if there's anything raised I might want to comment. And obviously I'm
23 also available to answer any questions that the Inspectorate might have.
24 Thank you.

25 MS LAVER: Thank you very much. I'll need to see if there's anybody here now
26 for St Modwen Developments Ltd.

27 MR MANSELL: Hi there. Good morning. My name is Nick Mansell from Pinsent
28 Masons LLP on behalf of St Modwen Developments Ltd. I'm here on my
29 own today so no other colleagues representing St Modwen. I don't have
30 any specific items I wish to speak on today but I'm available all day to
31 answer any questions or make any follow-up observations.

32 MS LAVER: Thank you, Mr Mansell. So do we have somebody representing the
33 Thames Crossing Action Group?

34 MS BLAKE: Good morning. Thank you, Ms Laver. Good morning to everybody.

1 My name's Laura Blake. I'm chair of the Thames Crossing Action Group.
2 We represent those who are strongly opposed to the proposed Lower
3 Thames Crossing throughout communities locally and further afield. We
4 would like to reserve our right to speak on item 4 today on the agenda
5 and of course are happy to answer any questions that the Examining
6 Authority may have. Thank you.

7 MS LAVER: Thank you very much, Ms Blake. Do we have somebody
8 representing London Gateway Port Ltd?

9 MR SHADAREVIAN: Ma'am, good morning. My name is Paul Shadarevian KC
10 and I act on behalf of DPWLG, which I use as short-hand to cover both
11 the port and the logistics park. Ma'am, we have other people in the room
12 with me but it's most unlikely they will need to speak. And if I do, it's
13 going to be in relation to agenda items 4(e) and (h).

14 MS LAVER: Thank you, Mr Shadarevian.

15 MR SHADAREVIAN: Thank you.

16 MS LAVER: Do we have somebody speaking, please, for Uniper today?

17 MS THEOBALD: Yes, that's me. My name is [Margaret Theobald?] and I'm
18 representing Uniper and we would like to speak about item 4(b).

19 MS LAVER: Thank you very much. Is there any other interested party that I've
20 not come to as a representative of an organisation? No, I'm not seeing
21 anybody. Could I just ask if Thurrock Council could maybe look at their
22 camera settings? You were quite far away from the screen when you
23 were introducing yourselves. Just, should we need to come to you, if we
24 could get a little bit closer to you visually, that would be fantastic.

25 MR EDWARDS: We are having some difficulty in this room because we can't
26 see any of the other speakers at the moment so I think there's a problem
27 with the technology here. So, at an appropriate moment, with your
28 permission, I may just ask if we just leave the meeting and then re-join to
29 see if that can be remedied and we'll also try and sort out the camera
30 position at the same time, if I may.

31 MS LAVER: That's great. Thank you. That would be most acceptable. Thank
32 you. Okay, so I will now return back up to the applicant to see who we
33 have here representing the applicant today, please. If you could
34 introduce yourselves for us?

1 MR HENDERSON: Good morning, madam and good morning, everyone. My
2 name is Tom Henderson. I'm a partner and solicitor at the law firm BDB
3 Pitmans. We are instructed by National Highways on the Lower Thames
4 Crossing Project. I'm supported today by my colleague Mr Mustafa Latif-
5 Aramesh, also a partner and solicitor at BDB Pitmans. And then, in
6 addition to us, we have some seven subject matter leads, reflecting the
7 breadth of matters to be covered under agenda item 4. I'm happy to
8 introduce those now or we could introduce them at agenda 4, as and
9 when they're required to speak.

10 MS LAVER: It would be helpful just to put faces to names at this point, please.

11 MR HENDERSON: Would you like those members to introduce themselves? I'll
12 call them up to speak and then obviously the camera can pan across to
13 who they are.

14 MS LAVER: That would be great. Thank you.

15 MR HENDERSON: So we'll start with Dr Tim Wright, please.

16 DR WRIGHT: Good morning, madam. Dr Tim Wright, the head of consents for
17 the Lower Thames Crossing.

18 MS LAVER: Thank you.

19 MR HENDERSON: And next we have Professor Helen Bowkett.

20 PROFESSOR BOWKETT: Good morning, madam. I'm Professor Helen Bowkett
21 and I lead on the transport modelling and economic appraisal of the
22 Lower Thames Crossing.

23 MS LAVER: Thank you very much.

24 MR HENDERSON: Then we have Mr Barney Forrest.

25 MR FORREST: Good morning. Mr Barney Forrest. I'm the environment lead
26 for the Lower Thames Crossing project.

27 MS LAVER: It was unfortunate there, Mr Forrest – we didn't catch what you look
28 like but that's okay. I'm sure we'll see you a bit later in the hearing. I can
29 see you now. Thank you.

30 MR HENDERSON: Then we have Mr David Cook.

31 MR COOK: Good morning, madam. Mr David Cook, head of strategic operations
32 and maintenance for the Lower Thames Crossing.

33 MS LAVER: Thank you, Mr Cook.

34 MR HENDERSON: Then Mr Steve Roberts.

1 MR ROBERTS: Good morning, madam. Steve Roberts. I'm the design and
2 engineering director for the Lower Thames Crossing.

3 MS LAVER: Thank you.

4 MR HENDERSON: Then Mr Nick Clark.

5 MR CLARK: Good morning, madam. Nick Clark. I'm the lead ecologist for the
6 Lower Thames Crossing.

7 MS LAVER: Thank you, Mr Clark.

8 MR HENDERSON: And, finally, not seated at the table – he'll join us later – is
9 Mr Keith Howell. He's the utilities development lead and you'll meet him
10 under agenda item 4.

11 MS LAVER: Okay. That's great. Thank you very much, Mr Henderson. So I will
12 go back now to our agenda for today. The topics have been set out. In
13 the agenda, the applicant will generally speak first after the panel
14 member has posed their questions. The panel will ask its questions. It
15 will then turn, at some point, to interested parties. So any questions from
16 interested parties need to be put through the panel, please. Whenever
17 you begin to speak to an item or question, if you could please re-
18 introduce yourself by name and say which organisation, if any, you
19 represent. This may seem a little tedious to keep doing so but it does
20 help with those watching or listening on the livestream or watching
21 recordings afterwards to understand who is speaking and what is going
22 on.

23 Can I also add that, once an issue has been identified by one
24 speaker, it does not need to be repeated by a second who agrees; it is
25 sufficient to say that you agree with something that a previous speaker
26 has raised. We may disregard a representation if it is vexatious or
27 frivolous. And we may also ask you to move on if you substantially repeat
28 what others have said.

29 If you are not in the virtual room with us today and are watching this
30 on the livestream or in playback, you can make comments in writing on
31 anything you hear by deadline 1, which is 18 July so there is still plenty
32 of time available to submit your views in writing. And remember, please,
33 matters put orally and in writing are treated equally by this panel.

34 I will remind everyone of the importance of respecting all

1 participants and allowing everyone here to have their say. In fairness,
2 just as you won't want to be interrupted when you speak, please do not
3 interrupt the other speakers. Every speaker should be allowed to make
4 full use of their opportunity to speak. I'm receiving some feedback so if
5 anybody not speaking could possibly turn off their microphones, that
6 would be great. I think it was possibly coming from the Thurrock –

7 MR SMITH: It is Thurrock Council. There's a live microphone in Thurrock
8 Council room so if we could just place that on mute, that would be
9 wonderful.

10 MS LAVER: Thank you. That's great. I'll just return then to the issue around
11 interruptions. If anyone does interrupt in a way that is unnecessary or
12 disrupts the hearing, I will issue them with a warning and also will my
13 other panel members. If the same person interrupts again, they will
14 receive a further warning and we may ask the case manager to exclude
15 them from the hearing. Be aware that repeated interruptions that lead to
16 disruption can be viewed as unreasonable behaviour for which awards
17 of costs can be sought by other interested parties.

18 Now, onto matters of housekeeping for today. We'll be running this
19 hearing in sessions and we'll aim to keep to approximately an hour and
20 a half in length. However, as you can understand, session lengths are
21 not precise because the panel member in the chair at the relevant time
22 will choose when to call the break. We will try to do this at natural break
23 points when a particular part of the discussion has ended or can be
24 paused, without everyone losing their train of thought.

25 Indicatively, I am hopeful that we can maybe take a break at around
26 11.30 for around 15 minutes, somewhere around 1.15 for approximately
27 an hour for lunch and then, depending on the coverage of the agenda,
28 we may take a further 15-minute break in mid-afternoon around 3.45.
29 Again, these are indicative. We do hope that we can end the business
30 of this hearing within one day but we do have time available within the
31 notified hearing period of Friday, if we need to continue.

32 Finally – so you're probably all fed up of my voice already – if
33 anything goes wrong with the technology for you today and you struggle
34 to participate, please contact the case team by email or phone and they

1 will try to get you back into the hearing. If that fails, they may ask you to
2 attend on Friday or to make submissions in writing at deadline 1 on
3 Tuesday 18 July.

4 If anything goes wrong with the technology at our end, we will also
5 try to restart the event as soon as we can so please try and stay
6 connected. If the issue is so serious that the event can't continue, we
7 will announce the next steps on the Lower Thames Crossing landing
8 page of the National Infrastructure Planning website. Again, the
9 contingency time set aside to continue this hearing is 10.00 a.m. on
10 Friday, if we need to use it, if we have serious technical issues that we
11 can't solve today.

12 So I'm happy to say that the introductions are now complete before
13 I move onto the main business of session 1. Does anyone have a
14 burning question that they need resolved now or can it be raised under
15 any agenda items? Just look for hands in the room. No, I'm not seeing
16 anything so I'll hand you back now to my colleague, Mr Smith.

17 MR SMITH: Thank you very much for that comprehensive introduction, Ms
18 Laver. Now, you'll be very pleased to hear that we are now moving to
19 agenda item 2 – the purpose of the issue-specific hearing, where I don't
20 intend to dwell because we have made that pretty clear in introductory
21 remarks and I hope the agenda is clear as well.

22 So, in a nutshell, we are enquiring into the definition of the project;
23 we're providing the applicant with an initial opportunity to explain the key
24 elements of it and its design approach in agenda item 3; and then we will
25 be exploring certain key questions with them in agenda item 4. And, just
26 to be absolutely clear: these are matters and these are questions that
27 have emerged for the Examining Authority, arising from relevant
28 representations in our preparatory work. The hearing does not limit the
29 remit of issues to be identified in written representations or addressed at
30 deadline 1 or examined in later written or oral processes.

31 And I think, everybody, that's as much as I need to say about the
32 purpose of this hearing but is there anybody with any further question
33 about what we are about to embark upon before I hand over to the first
34 substantive agenda item and Mr Young? I will just check the room to see

1 if I see any yellow hands rising or cameras coming on and I am seeing
2 no such. So, on that basis, I am now going to transfer to Mr Young who
3 will lead us into agenda item 3.

4 MR YOUNG: Thank you, Mr Smith. This is panel member Dominic Young
5 speaking. Now, turning to agenda item 3, that is the applicant's proposed
6 development. Where we would like to start, and has been set out in our
7 agenda, is to ask the applicant, first of all, to frame the purpose and
8 definition of the proposed development. Mr Henderson, are you going to
9 speak for the applicant?

10 MR HENDERSON: I am, sir. Thank you. Tom Henderson speaking for the
11 applicant. Sir, we prepared, as mentioned, an opening position
12 statement on the purpose and definition of the proposed development. It
13 seeks to frame the purpose and definition at a summary level in order to
14 set the scene for the matters to be explored in more detail under agenda
15 item 4 so we don't seek to answer those questions under this agenda
16 item.

17 It seemed to us convenient to address this agenda item in reverse
18 order and so our opening remarks are structured as follows: firstly, we'll
19 address the definition of the proposed development. And we've divided
20 that into five parts, reflecting some of the key prisms through which the
21 development is capable of being defined. And those five areas are: the
22 physical definition of the scheme, namely the proposed works; secondly,
23 the special definition, which we refer to as the land and rights required;
24 thirdly, the operational definition; fourthly, the legal definition; and fifthly,
25 we'll say something about the definition for the purposes of assessing
26 the various impacts and benefits. We'll then go on to address the
27 purpose of the project with reference, in particular, to the scheme
28 objectives.

29 So we would now propose to spend – I'd estimate – 10 to 15
30 minutes making our preliminary remarks under these headings. For ease
31 of everyone's note-taking, we'll be putting in this position statement at
32 the next deadline as part of our written summary of oral evidence. And,
33 in fact, that point goes also for our outline responses to agenda items
34 under part 4.

1 MR YOUNG: Thank you.

2 MR HENDERSON: So turning now to the definition of the proposed development
3 – and, as I said, part 1 of that – the physical definition of the works.
4 Starting at first principles, the applicant is seeking development consent
5 under the Planning Act 2008 for the construction, operation and
6 maintenance of the A122 Lower Thames Crossing, which is a very
7 substantial new highway connection on the strategic road network. This
8 project would provide a connection between the A2 and M2 in Kent and
9 the M25 south of junction 29, crossing under the River Thames through
10 a tunnel. Junctions would be provided with the A2 to the southeast of
11 Gravesend and at the A13 and A1089 in Thurrock and at the M25
12 between junctions 29 and 30.

13 The construction of the new road would require the delivery of a
14 series of additional works, including a large number of utilities' diversions
15 and new connections, the construction of supporting infrastructure such
16 as drainage ponds, modifications to the alignment of a number of local
17 roads, the realignment of existing and the creation of new public rights of
18 way and the delivery of necessary environmental mitigation and
19 compensation measures, such as the creation of new areas of ecological
20 habitat.

21 The works are extensively described in the applicant's DCO
22 application. And just a signpost where that is, in particular, the project
23 definition, chapter two of the environmental statement, which is APP-140;
24 in schedule 1 to the draft DCO, which is AS-038; and in numerous plans
25 and drawings included in the application, in particular the works plans,
26 which begin at APP-018.

27 Consistent with other large-scale NSIPs, including major highway
28 schemes elsewhere in the country, the DCO application is founded upon
29 a preliminary design for the proposed development and so, should the
30 application be granted development consent, the detailed design would
31 be developed in the post-DCO consent phase in accordance with the
32 preliminary scheme design and subject to the other controls and
33 constraints secured by the draft DCO, including the design principles
34 document, which is APP-516. So that concludes part 1.

1 So I'll move on to the second part of the definition, which is the
2 spatial definition, in other words the land required. Now, the land plans,
3 which begin as a series at APP-06 and onwards and the statement of
4 reasons, which is APP-AS-040, identify those parcels of land required to
5 deliver the Lower Thames Crossing. This includes land and rights in land
6 required permanently for the new highway and associated development,
7 and land required temporarily during the construction phase of the
8 project. The outer extent of this land is known as the order limit and the
9 draft DCO contains a suite of compulsory acquisition and temporary
10 possession powers in respect of this land.

11 In identifying the land required for the project, the applicant has had
12 careful regard to Section 122 of the Planning Act and associated
13 guidance related to procedures for compulsory acquisition – reference of
14 which is DCLG of September 2013 – in order to ensure those various
15 tests have been met, and this is set out fully in the statement of reasons.
16 Within the order limit, the works referred to earlier in my submissions are
17 subject to limits of deviation, which means that the land included in the
18 application allows for a degree of flexibility both laterally and vertically.
19 The applicant's position here is that the level of flexibility is proportionate
20 and reasonable for a project of this nature and is necessary to ensure
21 that the project can be delivered efficiently and effectively and at best
22 value to the public purse.

23 Now, it's recognised that compulsory acquisition and temporary
24 possession will be matters for examination later through written
25 exchanges and compulsory acquisition hearings. But we did note
26 agenda item 4(f)(ii) references land required for mitigation, so hence we
27 wanted to make those points at the outset.

28 Moving on to the third element of the definition, as I mentioned,
29 operational definition. I'll just make some brief points on this one. The
30 A122 Lower Thames Crossing would be an all-purpose trunk road, in
31 other words an A-road, with a 70-mile-per-hour speed limit and
32 restrictions on certain slow-moving traffic. Operational measures sought
33 within the consent include the power to levy a road user charge and
34 powers to allow for the safe operation of the road tunnels.

1 Fourthly, the legal definition of the scheme, as set out in the
2 planning statement, APP-495 and the explanatory memorandum, which
3 is APP-557, the project qualifies as an NSIP by reason of it meeting the
4 definitions and thresholds for highway-related development under the
5 Planning Act, Sections 14(1)(h) and 22. And, having regard to the
6 different limbs under Section 22, namely construction, alteration and
7 improvement, the applicant's position is that the strategic road network
8 elements of the proposed development fall under Section 22(1)(a) of the
9 Planning Act, namely this is the construction of a highway within the
10 meaning of Section 22. And we're happy to say more about that,
11 particularly tomorrow's issue-specific hearing on the DCO, which touches
12 upon matters of NSIP qualification.

13 As previously noted, as a consequence of the construction of the
14 highway NSIP, there is a need to divert a significant number of utilities
15 and of these, the scale and significance of certain works means that four
16 of them constitute as NSIPs in their own right. To break that down, we
17 have three gas transporter pipeline NSIPs under Sections 14(1)(f) and
18 20 of the Planning Act, and one overhead line NSIP under Sections
19 14(1)(b) and 16(1)(a) of the Planning Act. And, again, we appreciate
20 these are matters for exploration at issue-specific hearing 2.

21 The remainder of the proposed developments, including
22 construction activities, works to local roads, replacement of special
23 category land, environmental mitigation and compensation all fall within
24 the definition of associated development under Section 115 of the
25 Planning Act. And a replacement travellers' site is provided for as related
26 housing development under Section 115(4)(b) of the Planning Act. So
27 that concludes comments on the legal definition.

28 Fifthly, I'll turn then to defining the scope of the project's
29 assessments of impacts and benefits. Now, these are defined through a
30 series of assessments in the application. I won't list them all now but, in
31 particular, they include the transport assessment, the economic
32 assessment, the environmental impact assessment and the habitats
33 regulations assessment. Now, each of these has their own extent
34 defined, both physically, spatially and temporally, in accordance with

1 relevant legislation, policy and guidance. For example, transport
2 analysis guidance issued by the DfT forms the basis for the approach to
3 traffic modelling and economic assessment in accordance with
4 paragraphs 4.5 and 4.6 of the national policy statement for national
5 networks. This is all explained in great detail in the combined modelling
6 and appraisal report, which is APP-518 to 527.

7 The design manual for roads and bridges, which we'll refer to
8 throughout as DMRB, informs the approach taken to environmental
9 assessment, which reflects the requirements of the Infrastructure
10 Planning (EIA) Regulations of 2017. The scope of the assessment was
11 also validated through the obtaining of a scoping opinion from the
12 Planning Inspectorate, which was adopted by the Secretary of State on
13 13 December 2017. Additionally, the assessments included in the
14 environmental statement have employed the Rochdale envelope
15 principle in order to account for the level of flexibility permitted by the
16 proposed development via the limits of deviation I referred to earlier. This
17 is explained in further detail in chapters 2 and 4 of the environmental
18 statement, reference APP-140 and 142.

19 We highlight this fifth component of the project's definition, given
20 the matters to be discussed under agenda item 4, but we wouldn't
21 propose to say any more about them at this stage, noting they're very
22 substantial topics in their own right and will doubtless be the subject of
23 questions and hearings later in the examination. So that concludes our
24 submissions on project definition and, unless you have any questions at
25 this juncture, I can move on to the purpose of the proposed development.

26 MR YOUNG: Yes, please. Mr Henderson.

27 MR HENDERSON: Thank you. The purpose of the proposed development is
28 best encapsulated by the scheme objectives, which are set out in table
29 1.1 of the 'Need for the Project' document, which is reference APP-494.
30 These fall under three headings: firstly, the transport-related objectives,
31 and those are to relieve the congested Dartford Crossing and approach
32 roads and improve their performance by providing free-flowing north-
33 south capacity; secondly, to improve the resilience of the Thames
34 crossings and the major road network; and thirdly to improve safety. So

1 those are the transport objectives.

2 The community and environment objective is to minimise adverse
3 impact on health and the environment. And then there are three
4 economic objectives, which are to support sustainable local development
5 and regional economic growth in the medium to long term; to be
6 affordable to Government and users; and finally to achieve value for
7 money. And these scheme objectives constitute what we call the golden
8 thread, which runs through the development of the project since they
9 were adopted during the early options phase development of the
10 scheme.

11 The 'Need for the Project' document explains the severity of the
12 problems currently faced at the Dartford Crossing and which give rise to
13 the need for an intervention and how the proposed development will
14 address those problems and meet the project's purpose and objectives.
15 These will be addressed more fully in response to agenda item 4(a) so I
16 won't repeat those now but suffice to say, at this stage, that there is a
17 critical need for the Lower Thames Crossing project and the proposed
18 development will meet that need.

19 This draws clear policy support, in particular paragraphs 2.10, 2.22,
20 2.23 and 2.27 of the national policy statement for national networks,
21 which identifies that there is a compelling need for development of the
22 national road network, including new alignments and links, which cross
23 rivers and estuaries.

24 Therefore, the applicant's position for the purposes of the decision-
25 making test under Section 104 of the Planning Act is that the project fully
26 accords with the national policy statement for national networks and that
27 the benefits of the proposed development clearly outweigh its impacts
28 and this is set out fully in the planning statement, which is reference APP-
29 495.

30 So, sir, that concludes our outline submissions on the purpose of
31 the project and, unless you would like me to give way at that point, I can
32 move on to part 2 of this agenda item, which references the minor
33 refinements consultation.

34 MR YOUNG: Yeah, before you do that, Mr Henderson, let me just go and see if

1 anybody wants to make a point of clarification on anything that you've
2 said regarding the purpose and definition of the project. There's not
3 really an opportunity to discuss the merits at this stage but does anybody
4 want to clarify anything with the applicant? Okay. Not seeing any hands
5 go up. So, Mr Smith, you've turned your camera on. Do you want to...

6 MR SMITH: No, not at all. I was just standing in readiness, Mr Young, in case
7 we had interventions. But I think the point that you are making, leading
8 this part is very clear. These are opening statements and are therefore
9 broadly the opportunity for the applicant to make their case and the
10 questions will all come out in the wash and we've got six months to deal
11 with them all and everybody will have their fair go in due time.

12 MR YOUNG: Thank you. Mr Henderson, then I'll pass back to you if you want
13 to cover off that second bullet point then, the minor refinements
14 consultation.

15 MR HENDERSON: Thank you, sir. Tom Henderson, again, for the applicant.
16 So part 2 of this agenda item, as you say, was a request to introduce the
17 minor refinements consultation and the changes arising from it. That
18 consultation sets out three proposed changes to the project, which we've
19 described in the document that we submitted – 'The notification of the
20 proposed changes' – which is AS-083. I should say at the outset that the
21 applicant considers these not to constitute material changes.

22 The three changes proposed were as follows: firstly – and they
23 have reference numbers, which I'll employ because they're used in the
24 documentation – so MRC01 is a change at Blue Bell Hill in Burham in
25 relation to nitrogen deposition compensation sites. This change would
26 entail the removal of farmland from the order limits, which is works
27 number E2 and part of work E1, which is currently or was proposed for
28 nitrogen deposition compensation. Further analysis from the project
29 advisors concluded that this land can be removed from the order limits
30 while still retaining sufficient compensatory habitat to respond to the
31 effects of nitrogen deposition and the merits of this change will be
32 explored later under agenda item 4(f)(i).

33 The second change – MRC02 – relates to the limits of deviation on
34 the bored tunnel headwall. This proposes to increase the north portal

1 headwall limits of deviation from 125 metres to 275 metres. And the
2 applicant is seeking here additional design flexibility to move this
3 headwall to the north relating to matters such as ground conditions and
4 then detailed design as and when that comes to be undertaken, as I
5 mentioned, post any grant of DCO. This might result in a reduction in the
6 length of cut and cover tunnel and an equal increase in the length of the
7 bored tunnel.

8 Then the third change – MRC03 – relates to utilities relocations in
9 east Tilbury and an associated order limits reduction. Here, the applicant
10 is proposing to change the location of two utilities logistics hubs, known
11 as Muckingford Road and Low Street Lane – reference in the order are
12 ULH11 and 12 respectively. And then, to modify the alignment of the
13 temporary Linford borehole pipeline, which is work number MUT6. This
14 allows for reduction in temporary land requirements in the area,
15 producing the order limit and the impacts on land as a result. The change
16 would also move construction works further away from residential
17 properties in east Tilbury, reducing the potential environmental impacts
18 associated with those works.

19 The package of changes here would involve the acquisition of new
20 permanent rights over a small number of land plots, around 10 of those,
21 which were previously proposed to be subject to powers of temporary
22 possession and of these changes MRC01 and 03 have arisen, in
23 particular through engagement with interested parties, and both of those
24 were intended to respond to and address concerns that have been
25 raised.

26 Now, in addition to that, the minor refinements consultation
27 provides an update on construction, setting out how construction of the
28 two road tunnels could be delivered using a single tunnel boring machine
29 as an alternative method to two tunnel boring machines. We thought it
30 would be helpful at this stage to put on record that the applicant does not
31 consider this to be a change. And we make four observations in this
32 regard.

33 Firstly, the use of a single tunnel boring machine is within the scope
34 of the environmental assessments prepared for the application for

1 reasons that will be discussed later at agenda item 4(c)(ii), but the
2 summary point here is that use of a single TBM does not result in any
3 materially new or materially different effects to those already assessed
4 in the application.

5 Secondly, whilst the ES – the environmental statement – was
6 based upon assessment of a scenario of two tunnel boring machines, the
7 DCO application, as submitted, contains no constraints nor a
8 commitment that requires the use of two TBMs. Thus, the application
9 contains the proportionate degree of construction flexibility, which
10 includes flexibility to employ a single tunnel boring machine and, for that
11 reason, it's not a change to the application that has already been
12 submitted.

13 Thirdly, the decision on construction methodology in terms of one
14 versus two tunnel boring machines has not been made at this stage of
15 the project's development and would be made at the detailed design and
16 delivery stage, hence why there's that proportionate degree of flexibility
17 afforded.

18 And fourthly and lastly, we would just note that it's commonplace
19 for major DCO applications to allow for an appropriate degree of
20 construction flexibility and indeed, in the case of a public project, it's very
21 much in the public interest since it allows the project to be delivered at
22 best value to the public purse, provided always of course that the various
23 controls contained in the suite of DCO documents are adhered to, and
24 that would be the case with a single TBM or a two-TBM approach.

25 Hence the single tunnel boring machine information was included
26 in the minor refinements consultation to ensure that interested parties are
27 fully informed of the flexibility allowed for in our proposals and allow them
28 the opportunity to make appropriate representations should they wish.

29 So that concludes comments on the minor refinements consultation, sir.

30 MR YOUNG: Okay, thank you, Mr Henderson. I'll ask my third question on this
31 agenda item, and then I'll just see whether anybody has anything to ask
32 before we move on to agenda item 4. So my next question is: were there
33 any further substantial changes envisaged to the project definition or
34 design during the examination period?

1 MR HENDERSON: Tom Henderson, for the applicant. The applicant does not
2 currently anticipate any further substantial changes to the project
3 definition or design. The only point we would note – which was a point
4 raised by the applicant at the preliminary meeting – is that ongoing
5 engagement with interested parties may result in additional minor
6 changes to respond to representations, and there's clearly value in
7 additional minor changes and our ability to advance those to close
8 matters out. The applicant is very mindful of the EXA's comments at the
9 preliminary meeting that any further changes should be advanced at a
10 point in the process at which there is sufficient time remaining to examine
11 them. So that was all we were proposing to say on that.

12 MR YOUNG: Thank you, Mr Henderson. Does anybody have any point of
13 clarification on anything that Mr Henderson has set out for us? Okay. In
14 that case, I will hand back to my colleague, Mr Smith.

15 MR HENDERSON: Sorry, might I just intervene before you move on to the next
16 agenda item? It's Tom Henderson again for the applicant. I just wanted
17 to signpost some submissions we'd like to make about additional
18 documents that we would like your permission to put forward at deadline
19 1. Now, we don't want to take us away from the agenda that you've set
20 out, so I propose to return to those at agenda item 5, if that would be
21 acceptable. But just wanted to put that marker down now that we'll come
22 back to that at the end of the hearing.

23 MR SMITH: Indeed.

24 MR HENDERSON: Thank you.

25 MR SMITH: On that basis – thank you very much, Mr Young – just before we
26 finally close out agenda item 3, I'll briefly speak to a consequential matter
27 arising from it, which is of course the minor refinements consultation
28 process. Now, we hear, Mr Henderson, the submissions that you've
29 made there on the view that the changes emerging from that are either
30 non-material or are not, in a formal legal sense, changes at all. Those
31 are matters that we are inquiring into making our own observations on as
32 we move forward and some of the questions that in fact we'll be asking
33 later on in agenda item 4 are directed to assisting us to resolve that
34 question for ourselves. And so we will of course be seeking comments

1 from participants here today on those points as well in that agenda item

2 To flag though, procedurally, that we will be making a procedural
3 decision on essentially the road to be travelled by the minor refinements
4 consultation moving forward, because the road that it travels might be
5 different, depending on the question of whether it is material and needs
6 to engage with and be consulted with a broader group of folk or non-
7 material. So we're going to make that judgment and we will, as soon as
8 we reasonably can now, issue a procedural decision upon it.

9 So that brings me to the end of any observations arising from me
10 on agenda item 3 so we can move without delay into the beginning of
11 agenda item 4 and in relation to agenda item 4(a), I will be the lead for
12 this item.

13 Now, this essentially is returning to the issue of the need case and
14 we heard in Mr Henderson's opening submissions a very clear
15 observation on behalf of the applicant that the proposed development will
16 need anticipated need. He cited relevant national policy statement and
17 objectives that would be met by it.

18 What I think it's important, just to refer back to though, is the
19 question of the clarity with which the applicant is making that case. And
20 the reason I'm pressing the applicant on this point is because we of
21 course have read a lot of relevant representations that, I think it's fair to
22 say, express a very considerable scepticism on the degree to which and
23 this particular project located in this particular geography, designed in the
24 form and with the capacity, the lanes, etc that it's designed with will be
25 capable of meeting anticipated need.

26 There are others, of course, who have put submissions to us that
27 their ought to have been a broader modal consideration and that some
28 of the need could have been met by rail, etc. So we've got a very broad
29 range of considerations put before us. Now, we are very clear: this, as
30 we see it, is a case that proceeds under Section 104 of the Planning Act
31 of 2008. The national networks policy statement is applicable. We must
32 make a recommendation to the Secretary of State within the framework
33 of that policy. However, we do need to drive some irons into the new
34 case at this stage and ask the applicant to speak to us further on these

1 points.

2 So if I can return to Mr Henderson on that first question about
3 demonstrating that the proposed development will meet anticipated
4 need. Mr Henderson.

5 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. At this
6 point I'm going to introduce my colleague, Dr Tim Wright, head of
7 consents at Lower Thames Crossing to address you on this agenda item.

8 MR SMITH: Thank you very much. And whilst Dr Wright is readying himself,
9 what I will say is that with all of these items we will be putting the
10 questions to the applicant first, as it is their opening submission. Once
11 we've received the applicant's response, we will then go around the room
12 and we'll ask whether there are any observations on the point. So firstly
13 to Dr Wright.

14 DR WRIGHT: Good morning, sir. Tim Wright for the applicant. So, as a primary
15 statement, we have demonstrated through the application that yes, the
16 proposed development will meet anticipated need and the current need
17 for this scheme. This is set out, as my colleague Mr Henderson
18 explained, in a document 7.1, 'The Need for the Project', APP-494.

19 But to explain our overarching position here: the high level of traffic
20 demand for crossing the River Thames east of London significantly
21 outstrips the available road space supply. That situation is in place today
22 and is becoming progressively worse over time, and Government growth
23 forecasts indicate how we should consider the growth in the future along
24 those areas.

25 As a result, the Dartford Crossing suffers frequent transport
26 congestion delays, poor journey time reliability, and that makes this part
27 of the network one of the most unreliable sections of the strategic road
28 network, which has a number of consequential impacts. It is a major
29 impediment to economic growth in the southeast of England and the rest
30 of the country, given that this is a major strategic link through to
31 continental Europe.

32 The severance caused by the River Thames at this location and the
33 congestion of the Dartford Crossing, combined with other factors, has
34 meant that the lower Thames area has lacked investment and economies

1 to the north and south of the river have developed separately, and we
2 provided demonstration of this in a number of our application documents.
3 The congestion and delays also disrupt social and community
4 interactions in the area, and they impact the environment and the
5 surrounding communities.

6 So as a result, there's a strong need for a new river crossing of the
7 River Thames. Now, this can be linked through to the national policy
8 statement, which sets out how congestion and how low journey time
9 reliability have an adverse impact on drivers and the economy,
10 particularly in the section on drivers of need for development of the
11 national road network, which are paragraphs 2.15 to 2.20, and in our
12 document 'Need for the Project', we've also provided information from
13 the users of the Dartford Crossing.

14 These set out both the frustration associated with using the
15 crossing and the economic costs to suppliers and logistics companies.
16 They give example through example on page 17 and 21 of that
17 document, to give a little bit of personal experience to the information that
18 we also provide in the detailed economic analysis.

19 Because of the volume of traffic use in the Dartford Crossing, the
20 impacts often extend beyond the crossing itself, leading to congestion on
21 the local road network, and again, in our document, 'Need for the Project',
22 we've provided information from people who live locally, explaining how
23 the impact from the Dartford Crossing impacts on their daily lives, and
24 again, if you could refer to pages 21, 28 and 42 for examples.

25 I'll just return to my colleague Mr Henderson's comment. This will
26 be provided in the written submission, so these references will all be
27 supplied at that time.

28 So I think that summarises the need for the project. The question
29 is: how does our project address and meet that need? So the project
30 would increase the supply of available road space by over 80%, serving
31 the traffic demand that wants to cross the River Thames east of London.

32 Traffic modelling undertaken for the project demonstrates that at
33 Dartford, for the modelled opening year of 2030, there be an average
34 19% reduction of vehicles using the crossing in the peak hours, as well

1 as reductions in flows on the M25 A282 corridor, between junction 30
2 and junction 2 of the M25, and the connecting A2, M20 and A13, west of
3 the new crossing.

4 Now, the consequence of this reduction leads to the real benefits
5 that we see. These are substantial improvements in both the journey
6 times and the journey time reliability across the region. As can be seen
7 from a number of the relevant representations, business and the wider
8 public across the area acknowledge and recognise the benefits in this
9 area that the new crossing will bring, setting out how journey time
10 reliability is a real concern for them, and how the uncertainty over journey
11 time is an impact on their daily lives.

12 So our proposals will create better connections between Kent,
13 Thurrock and Essex, both on the new crossing and via the existing
14 Dartford Crossing, with a transformational effect on the local economies.
15 It will improve the connectivity between the ports and the rest of the
16 country, and that includes the ports on the Thames Estuary, and also on
17 the south coast, which supports the regional and national economy.

18 In addition, our proposals will reduce the congestion in the region,
19 leading to quality of life improvements for people living close to the
20 existing crossing, and reducing the blight that the current congestion
21 causes on their daily lives.

22 Now, that's a very narrative and explanation of how we see the
23 need and the benefit for the project. This is all set out quite clearly
24 through the various documents that we've supplied within the application,
25 and our traffic modelling shows that these journey benefits, including the
26 faster journey times and the journey time reliability, continue to be
27 experienced by road users through to the latest forecast year of 2051,
28 and in summary, we provide more information on the benefits in section
29 8.4 of the planning statement.

30 Now, I'm welcome to take further questions on that, but that sets
31 out our position on the need and how we meet it.

32 MR SMITH: Thank you very much for those in principle submissions in response
33 to that question. A couple of observations from myself, in relation to
34 those submissions: firstly, you did make a direct reference to essentially

1 the separate economic development north and south of the Thames, and
2 the degree to which this is a project that, amongst other things, will
3 increase the economic potential of the region as a whole, by essentially
4 unifying it into a kind of single transport-linked market, in a way that it
5 hasn't previously been before because of the existing constraints on the
6 Dartford Crossing.

7 One of the points that does arise in a number of the relevant
8 representations is that the possibility that, in a sense, this is a project that
9 could become dizzy with its own success; that it might create additional
10 transportation demand within this newly integrated region – demand
11 that's not present, in addition to serving, essentially, suppressed or
12 frustrated demand for the existing connection. Is that something that
13 you're able to make some observations on now?

14 Because, I guess, what we're running to here are the error bars
15 around forecasting, at the end of the day. When we're looking at likely
16 [inaudible] demand and then looking at traffic modelling and traffic
17 demand on the new facility, are we in a world where we have reasonable
18 certainty about the end state, or are we in a world where there are, I
19 guess, the possibility of there being some floppy numbers, and does
20 anything need to be done about that?

21 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. In
22 response to this question, I'm going to introduce Professor Helen
23 Bowkett, who, as I mentioned, is the traffic and economic lead for the
24 project.

25 MR SMITH: Thank you very much. Professor Bowkett.

26 MS BOWKETT: Helen Bowkett for the applicant. The transport modelling work
27 that we've done for the Lower Thames Crossing – we built a strategic
28 transport model, known as the Lower Thames Area Model, and in
29 building that model, we followed the DfT's transport appraisal guidance,
30 and the model is what's known as a variable demand model, and what
31 that means, that in the model, we take into account the change in journey
32 times on the highway network that people experience as a result of the
33 division of the new capacity across the Thames, via the Lower Thames

1 Crossing, and then we model the behavioural response of drivers to that,
2 which, for some of them, is to change where they want to go to.

3 MR SMITH: Yes, yes. Indeed.

4 MS BOWKETT: So we do find that there might be people, for instance, who are
5 currently in Maidstone and travel to work in Bexley, to stay on their side
6 of the river, who choose, once the Lower Thames Crossing is open, to
7 travel to a job maybe on the north side of the river. So that behavioural
8 response is taken account of in the model, and you will see in the
9 common modelling in the appraisal report application, number 51(a), that
10 we do show that the total number of vehicles crossing the river at Dartford
11 Lower Thames Crossing is higher than you would have just with the
12 Dartford Crossing, because you do have people changing where they
13 want to go to, and that response is in the traffic model.

14 MR SMITH: Interjecting briefly on that particular point, is your own observation,
15 then, that this is a sufficiently conservative model in behavioural terms?
16 That we are not likely to be in circumstances where some unlooked for
17 or ununderstood social behavioural responses to the new Lower Thames
18 Crossing could lead to possibly even orders of magnitude shifts that
19 would be different from those that are dealt with in the model.

20 MS BOWKETT: Helen Bowkett for the applicant. When we developed the
21 transport model, the strength of the response of drivers to changes in the
22 time and cost of their journeys is calibrated using sensitivity tests set out
23 in the transport appraisal guidance. So the DfT, from research over many
24 years, set out ranges for the strength of the response that you would
25 expect, and the model is calibrated to show that our responses lie within
26 those ranges, and this is documented in the transport forecasting
27 package at number 522.

28 MR SMITH: And drawing that into a nutshell, it's your professional opinion, then,
29 that this is therefore a very reliable model.

30 MS BOWKETT: So Helen Bowkett for the applicant. It is my professional opinion
31 that this is a reliable and robust transport model that has been developed
32 in strict accordance with transport appraisal guidance set out by the DfT.

33 MR SMITH: Okay. Right. Now, do you have any further observations you want
34 to make in order to wrap the particular response to that question that you

1 were asked? Because I have a related question on transport mode that
2 I just wanted to pursue. It may be one to you, but I suspect it may be to
3 one of your team member colleagues.

4 MS BOWKETT: Helen Bowkett for the applicant. I've no further comments to
5 make on that question.

6 MR SMITH: Thank you very much, Professor Bowkett. Mr Henderson then, I will
7 put this generally and leave it to you to find the right team member. You
8 will have heard in my opening on the need case an observation that we
9 have had a number of relevant representations that have spoken about
10 mode, have spoken about the degree to which anticipated demand within
11 this regional setting could be met by other modes than road. There have
12 been a number of representations that have spoken about reinforcement
13 of rail. There has at some point, and one of the things we are interested
14 in, been a proposition that there would be a Lower Thames tram link
15 developed, amongst other things.

16 Firstly, I wanted to hear from you about the degree to which rail
17 mode, as a means of addressing demand within this region, has been
18 factored into your modelling, and secondly, again, to get a sense of the
19 degree to which it is your view that those issues, those concerns, raised
20 by interested parties are ones that you believe you have broadly
21 addressed in your case, or not.

22 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. We note,
23 sir, that agenda item 4(b)(iii) touches on these matters. Professor –

24 MR SMITH: It does. It does, and without trespassing on my colleague, Mr
25 Young, probably the best place to run to the detail is that. I was maybe
26 jumping ahead a little, but I think you can see the way in which that knits
27 into the need case as well, because the degree to which other mode
28 options have been considered, obviously, is one of the Lego blocks that
29 the broader need case is built from.

30 Maybe the best thing to do is let it rest there. Allow my colleague,
31 Mr Young, to pursue his questions, and if we need to pull a piece of
32 thread back to this part of the agenda, we can do so.

33 In which case, I will probably then just touch on my second point
34 under item 2, which is the degree to which it might be anticipated that the

1 proposed alignment could be become capacity constrained by traffic
2 demand. Now, to a degree that's a question that has been answered in
3 the responses we've had already. Is that something that you wish to put
4 anything further to us on, Mr Henderson? Before I ask who in the room
5 wishes to speak to this item and open this up.

6 MR HENDERSON: Tom Henderson for the applicant. I'll invite Dr Wright again
7 just to comment briefly on this element. Thank you.

8 MR SMITH: Thank you very much. Dr Wright.

9 MR WRIGHT: Tim Wright for the applicant. So to specifically answer the
10 question, within the forecast period, it's not anticipated that the proposed
11 alignment would become capacity constrained by traffic demand. I think
12 we've talked about the traffic modelling we've done that will support that
13 position. We forecast operation up to 2051. So that answer goes to the
14 extent of the forecast in 2051, as we've set out.

15 I think it is worth commenting that traffic growth forecast towards
16 the later years of the modelling show that some of the slips will potentially
17 experience slowing of vehicles at certain times. We consider that the
18 provision we've made is appropriate, in consideration of performance of
19 the wider road network, and the direction on national policy, as set out in
20 the NPSNN – sorry, national policy statement for national networks, but
21 it's not national policy to meet unconstrained traffic growth, or predict or
22 provide, paragraph 2.24, and therefore the provision we've set out sits
23 within the framework required by national policy, and is appropriate for a
24 scheme of this nature.

25 MR SMITH: Okay. Thank you very much for that observation. Now, I think we've
26 reached a point at which I would like to bring this item out, and seek
27 observations from the floor. What we'll then do is we'll return to applicant
28 at the end, and just provide the applicant with a right of reply.

29 Now, looking at the sterling work that was done by Ms Laver and
30 also the registration team, I can see that we definitely have a wish to
31 speak on this from Gravesham Borough Council. Can I just validate that?
32 And Medway Council in the local authorities. So I'm going to go to the
33 local authorities first. Can I just check, actually, before I do? Are Essex

1 or Kent County Councils wishing to speak on this item? Essex or Kent.
2 No, and Thurrock Council. Yes.

3 MR EDWARDS: Yes, sir. Douglas Edwards KC, Thurrock Council. In due
4 course, Thurrock Council would just like to make some observations on
5 this matter as well, sir, please.

6 MR SMITH: Okay, excellent. Well, I will come to Thurrock, but I think, given the
7 clear indication that we did have from Gravesham that they wish to speak
8 on it, they are prepared to do so, as I understand, and so can I then go
9 to Michael Bedford KC for Gravesham to make observations on their
10 behalf?

11 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council.
12 Sir, the starting point, as you've seen from our relevant representation,
13 is we acknowledge there are clearly problems with the existing Dartford
14 Crossing, but we are not highly persuaded that the solution that is in this
15 proposal is the right solution. Primarily, that's of course driven by our
16 assessment of the impacts that this solution has for Gravesham's
17 administrative area, the communities within it, and the businesses that
18 operate from it, but dealing with matters in hopefully fairly high level as
19 to why we think that both your item 2(a) and (b) do merit detailed probing
20 during the – I can just give you, I think, at the moment, three figures taken
21 from the applicant's material.

22 So the baseline a.m. crossing movements across the existing
23 Dartford Crossing as at 2016, as reported in the transport assessment –
24 that's APP-[?] 529 – the 2016 figure is 14,430 movements across the
25 existing crossing in the a.m. peak. Because of the various constraints
26 that are outlined in the TA about the problems of those crossings, when
27 you move forward to 2045, which was the end date for the modelling
28 assessment originally reported in APP- 518 – that's the modelling report
29 – the 2045 figure becomes only 15,481 in the 'do minimum', i.e. 'no'
30 scheme for the Lower Thames Crossing.

31 So that 14,430 only increased by effectively a thousand movements
32 over the period between 2016 and 2045 for the Dartford Crossing, and
33 it's in APP- 529. Both of these 2045 figures are in table 6.4, is that in the
34 'do something', the Dartford Crossings accommodate 14,868 in the 2045

1 'do something' scenario. In other words, by 2045, 96% of the 'do
2 minimum' traffic is back with the Dartford Crossings, and that is itself only
3 marginally above the present position because of the constraints that
4 already exist at the Dartford Crossing.

5 In other words, you're staying at roundabout 14/15,000, being able
6 to get through the Dartford Crossings, both now, in 2045 'do minimum',
7 and in 2045 'do something'. So that's one of the reasons why we
8 question to what extent this is the right solution.

9 I should add, and we acknowledge this is definitely the case about
10 the point about suppressed traffic, that in the 'do something' 2045, it's
11 right that the LTC Crossing carries some 8,944 movements, table 6.5 of
12 table – sorry, of APP- 518. So we're not denying that providing this
13 releases, as it were, capacity.

14 But in terms of, 'Is it the right place to do it?' – and particularly, as I
15 say, when you look at what's actually happening at the Dartford
16 Crossings themselves, that we're not really, in a sense, building much
17 capacity for resilience there, because it's at those kind of levels of flow,
18 i.e. the baseline flows, that you still get the problems, the resilience
19 problems, at the existing Dartford Crossing, which obviously are outlined
20 in the transport assessment. So that is, in a sense, our starting point
21 take on it – that we are sceptical as to whether this particular solution has
22 addressed matters in the way that is the most appropriate, and you will
23 have seen that we had referred to option A as being worthy of further
24 exploration, but we know it was discarded in the options assessment as
25 a matter that we can flesh out.

26 And then we come on to – and I've taken up probably too much
27 time on this – but we come on to, as it were, our particular concerns about
28 whether or not if you do go for an LTC located where it is, and landing,
29 obviously, in Gravesham Borough on its southern end – whether the
30 impacts on that are justified, given the consequences that means for
31 residents and businesses of Gravesham.

32 So that's our overall initial view of it.

33 MR SMITH: Thank you very much for those submissions. I'm now then going to
34 ask to hear from Medway Council. Is Andrew Bull ready to speak?

1 MR BULL: Yes. Thank you, sir. My name is Andrew Bull and I'm representing
2 Medway Council today. At this early stage in the examination, I would
3 like to bring to your attention an issue at M2 junction 1. I'll be able to set
4 out a detailed position in Medway Council's submission of the local
5 impact reports and written representation. The existing M2 junction 1
6 has emerged as a constraint to development, following representations
7 received from National Highways in Medway Council's determination of
8 a planning application. The planning application was for a 325,000
9 square metre development of employment floor space in the former
10 Kingsnorth power station site, which was allocated for development in
11 the local plan.

12 The National Highways representation noted concerns about both
13 congestion and safety at M2 junction 1, specifically the northbound offslip
14 and the southbound onslip links. National Highways considered that the
15 junction has limited spare capacity. That's just 60 movements during
16 either the morning and evening peak travel periods. The junction will
17 need to be improved to accommodate further development once this
18 spare capacity has been exceeded. Following Medway Council's
19 resolution to grant planning permission, the conditions include an initial
20 [inaudible] of 60 movements through these links to enable a phase of
21 development to come forward, along with a monitor and manage
22 framework.

23 And just finally, the project's limits[?] straddle the northbound offslip
24 and the southbound onslip links. The project is not proposing changes
25 to these links. The increase in traffic flows as a result of the project would
26 likely exceed the spare capacity. So Medway Council will be pursuing
27 existing investment processes, but the project would have ideally
28 addressed this issue.

29 Thank you, sir.

30 MR SMITH: Thank you very much, Mr Bull. Those were very succinct and clear
31 submissions, and I think it goes without remark almost, but I will say in
32 any case. We are very conscious that these are very early, high level,
33 sort of strategic overview conversations, and we look forward to the
34 receipt of local impact reports. We look forward to the receipt of written

1 representations at deadline 1, which will no doubt drill into these issues
2 in considerably more detail. Now, in terms of local authorities, we then
3 have Thurrock Council who indicated that they wish to be heard, and Ms
4 Blake, for the Action Group, I have seen your hand and I will come to you
5 once we've heard from the local authorities.

6 So if I could go Thurrock Council, please.

7 MR EDWARDS: Yes. Thank you very much indeed, sir. Douglas Edwards KC,
8 Thurrock Council. In response to your agenda item 4(a)(i), I'm going to
9 ask Mr David Bowers to address you briefly on that, and then
10 subsequently, Dr Colin Black has a comment and through your, sir, a
11 question arising from what you heard from Professor Bowkett on behalf
12 of National Highways.

13 So before I invite Mr Bowers to address you, so can I just make two
14 preliminary points? One is, sir, we fully recognise that this is not an
15 opportunity to rehearse in full matters that will be addressed in due
16 course and in detail in the local impact report. So, sir, taking your lead,
17 and following the approach adopted by Mr Bedford KC, what we'll offer
18 is a high level response, in respect to these matters at this stage.

19 Secondly, and sir as you and your colleagues are well aware,
20 Thurrock Council is continuing to undertake a review and an analysis of
21 the application documentation. That process is far from complete at this
22 stage, and therefore the observations made at this stage obviously will
23 be without prejudice to the completion of that process.

24 MR SMITH: And in that regard, I will make a specific remark there to say that no,
25 we are more than conscious of that, and as essentially part of our
26 rationale for examining these high levels at this time was to embark on a
27 journey that was a sequence of iterative cycles [inaudible] detail. So
28 nothing that is being said at this point is something that is going to be so
29 definitive that will firm or indeed in any way harm or prejudice any party's
30 case. We're trying to stand up on top of a big, tall tower, and look over
31 the whole landscape, and that's all we're trying to do at this stage.

32 MR EDWARDS: That's very helpful, sir. Thank you very much indeed, and that
33 is noted, and what Mr Bowers will say to you this morning will be very
34 much in that spirit. So, sir, can I then hand over to Mr Bowers?

1 MR BOWERS: Yeah, hi. David Bowers.

2 So just to build on the analysis or the description of the project,
3 underneath[?] the project, we've been taking a preliminary look at the
4 objectives, and as described previously, a key objective is around to
5 relieve congestion at the Dartford Crossing, and to build on the
6 comments by the gentleman representing Gravesham, which reflect our
7 own initial examination of the traffic flows, we also think that in certain
8 time periods that the Dartford Crossing return to existing conditions of
9 congestion after only perhaps five years, and it would be good to
10 understand further about what the significant relief, which is described at
11 the conclusion of the traffic forecast nontechnical summary – what that
12 significant relief actually refers to, because the information presented
13 previously by National Highways – my understanding was that was all in
14 the opening year, and obviously, as traffic flows change, what are the
15 changes at Dartford Crossing after, say, five years or 10 years?

16 And to build on the issue around the modelling, clearly if the
17 forecasts are underestimating demand and traffic flows are higher, would
18 Dartford Crossing return to existing conditions earlier, and if the forecasts
19 are lower than expected, then the benefits that are articulated in the
20 economic analysis would be lower, leading to a reduction in the benefit-
21 cost ratio, which, as analysis shows, is already lower – a level of 1.22.

22 So I think understanding more about what the significant relief as
23 forecast by the National Highways is, and how that relates to different
24 time periods, is something that we are interested in examining as part of
25 our local impact report, and it would be useful to have further insight on
26 that from National Highways.

27 MR EDWARDS: Thank you, Mr Bowers, and our expert Dr Black in respect of
28 some matters raised concerning modelling.

29 MR BLACK: Thank you. Colin Black on behalf of Thurrock Council. Mr Smith,
30 we note that Professor Bowkett was reluctant to be drawn on your
31 specific question as to whether the traffic modelling is sufficiently
32 conservative. It would be helpful to know if Professor Bowkett considers
33 that the appraisal scenarios modelled do cover the worst-case scenarios
34 in this particular region. Is it possible that induced and suppressed traffic

1 in this particular region may likely be greater than the scenarios the
2 applicant has in fact modelled? Which may be in accordance with the
3 DfT modelling guidance. Thank you.

4 MR EDWARDS: Thank you, sir.

5 MR SMITH: Apologies. Those are obviously questions through the Examining
6 Authority, but I think in the circumstances I would like Mr Henderson to
7 direct those back in the applicant's conclusions on this particular agenda
8 item. So we'll pick those up at that point.

9 MR EDWARDS: Thank you very much indeed, sir. That concludes the
10 comments at this stage from Thurrock Council on agenda item 4(a)(i).

11 MR SMITH: Thank you very much. Now I am going to move on. We've got two
12 more hands remaining in the room. Laura Blake for the action group has
13 been waiting for a very, very long time. She indicated right at the outset,
14 so I am going to call her in, but I do note that more recently a hand has
15 arisen from Matthew Rheinberg of TfL. So Mr Rheinberg, I'm alive to
16 you. You will come in after Laura Blake of the Thames Crossing Action
17 Group. So Ms Blake.

18 MS BLAKE: Thank you very much, sir. Laura Blake, chair of the Thames
19 Crossing Action Group. Obviously, as others have said, we don't deny
20 that there are issues at the current crossing that do need to be resolved.
21 We think there's a big difference between whether or not the problems
22 need to be solved, and whether a new crossing across the river by road
23 is essentially the correct answer. Also, I would just like to make some
24 observations. In the 7.1 'Need for the Project,' APP- 494, paragraph
25 4.2.2 actually clarifies, 'The design capacity at the Dartford Crossing is
26 135,000 vehicles per day and it's regularly seeing 180,000 vehicles per
27 day.' If you do a basic calculation on that, that means that we'd need to
28 see a reduction of more than 25% to bring that back below the design
29 capacity.

30 I notice that the applicant stated that in 2030 it was predicted there
31 will be a 19% reduction. Now, that actually doesn't add up to bringing it
32 back below designed capacity, and I also question the fact that we're
33 using a 2030 opening year, but in actual fact the government had stated
34 that there would be a two-year delay in the construction if the project

1 goes ahead. Therefore the opening year, presumably, would go back
2 two years, and there is likely to be a further increase in the amount of
3 traffic, so what would the actual figure of reduction prediction be in two
4 years later than has been quoted?

5 And also it would be interesting to know, in addition to Thurrock's
6 question, about whether or not the induced demand in the local area is
7 actually the same as it would be nationally, would also be the fact that
8 historically, when you look at projects, when new road projects have
9 come in, induced demand is around 50%. That does seem like quite a
10 high amount on induced demands, so to be having that, it would be
11 interesting to know to what extent that is actually being considered,
12 compared to what National Highways are actually saying is in the
13 modelling that they've allowed for.

14 And just to finish off as well, sir, just two points. One, we feel that
15 the incidents at the Dartford Crossing are largely to do with a lot of the
16 congestion, and we don't feel that adequate connections would be in
17 place with the proposed Lower Thames Crossing to take into account
18 how traffic would migrate between the two crossings, when indeed there
19 are incidents at either crossing, but specifically at the Dartford Crossing.
20 For instance, to go along to the Dartford Tunnel being closed, there's
21 only one single lane off of the A2 coastbound on to the Lower Thames
22 Crossing, if it goes ahead.

23 So things like that we feel also would impact the actual congestion
24 throughout the region. And another point, just to finish up, is that we
25 have asked numerous for the design capacity of the Lower Thames
26 Crossing, should it go ahead, which has not to date been clarified with
27 us. I'm wondering if that has changed and is available in any of the
28 documentation. Thank you.

29 MR SMITH: Thank you very much, Ms Blake. Now, some of those matters that
30 you raised in relation to the performance of the existing road network –
31 M25, the A28, Dartford Crossing, etc – are going to rise, actually, quite
32 swiftly, in Mr Young's item, 4(b). So we'll probably deal with those better
33 there, but in relation to, I guess, the performance of the existing Dartford
34 Crossing and its designed capacity, it would be useful if in responding at

1 the end the applicant could address this question about the degree to
2 which the Dartford Crossing would still, as Ms Blake suggests, be
3 operating above its intended designed capacity or not, and if that is the
4 case, whether that gives rise to operational constraints or concerns that
5 we need to alive to.

6 Moving, then, finally, I'm going to call Mr Rheinberg of TfL, and what
7 I will indicate before he starts to make his comments, is that when we've
8 heard from Mr Rheinberg we will move to a break. We'll take a 15-minute
9 recess, and the applicant will be asked to respond on these agenda items
10 very briefly after the break.

11 What I will also flag to the applicant, of course, is that you may run
12 to the headline responses on items, but of course this is as well a written
13 procedure, and the applicant will, and indeed everybody does at deadline
14 1, after these hearings, have the opportunity to render their oral
15 submissions into writing, and the fine detail, the argumentation, the
16 evidence to support argumentation is very well set out in those written
17 submissions.

18 So TfL. Mr Rheinberg.

19 MR RHEINBERG: Thank you, sir. Matthew Rheinberg, Transport for London.

20 This is just really an observation that's arisen as part of the conversation
21 today, just about strategic capacity provided by the Lower Thames
22 Crossing scheme, and I don't want to go into too much detail about the
23 case or so on, but it's just an observation that while a lot of extra capacity
24 across a river is provided by the scheme, it does generate significant
25 traffic to either side, and there is a particular example on the M25 itself,
26 north of where the Lower Thames Crossing joins it, and particularly we've
27 been looking at north of junction 28.

28 We have identified from the modelling that at least at the anti-
29 clockwise direction, in the morning peak, the M25 is effectively at
30 capacity, according to the modelling results from 2037 onwards, in the
31 morning peak. So that draws into question just the point that, while the
32 scheme may be relieving the local network and connectivity in the
33 Dartford area, there is a risk that there may be impacts on the local road
34 network further away from the scheme as a result of the strategic network

1 becoming at capacity, and therefore, in our view, there is certainly a need
2 to make sure there are appropriate measures in place to secure
3 mitigation for those impacts, should they arise. So that was really just
4 the point that I wanted to make at this stage, which felt like it was of a
5 strategic significance.

6 MR SMITH: Thank you very much, and noted, and, again, I will be asking the
7 applicant to address those immediately in their return. Everybody, it is
8 now 11.37, so it'll be creeping up towards 11.40 by the time we draw this
9 first morning session to a close, but I am going to suggest that rather than
10 asking the applicant to start responding and then cut them off at the
11 knees, it will be far better if they come with a clean run, so I am now going
12 to draw this session to a close. We will go into recess. We will resume,
13 ladies and gentlemen, at 11.55. That's 11.55, when we will turn directly
14 to the applicant for responses on this item, and then we will move to item
15 4(b), led by Mr Young. Thank you very much. See you at 11.55.

16
17 **(Meeting adjourned)**
18

19 MR SMITH: Welcome back, everybody, after that brief break to the resumed
20 issue-specific hearing 1 in relation to the Lower Thames Crossing. My
21 name is Rynd Smith, and I'm the panel lead. And you will see the other
22 members of the Examining Authority have also rejoined the session.
23 What we are now going to do is return to agenda item 4(a) and turn
24 directly to the applicant for their responses to the matters that have been
25 raised, reminding the applicant, of course, that if elaboration is needed,
26 there is a full opportunity to do so in writing at deadline 1. So can I just
27 call the applicant now to respond to those matters?

28 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. Sir, as
29 you've alluded to, a number of detailed and technical matters have been
30 raised there by interested parties and, as you noted, we will respond to
31 those in due course in full. But we will take the opportunity to respond at
32 a relatively high level to a number of the points that have been raised, so
33 just to outline how we will handle that. In response to the comments

1 made by Medway, the point is well understood, and we'll deal with that
2 one in writing, so I won't say any further at this stage.

3 But in a moment, I'll invite Dr Wright to respond to the comments
4 made about the relief at the Dartford Crossing, incorporating the point
5 made about design capacity and also the implications of a two-year
6 delay. I'll invite, then, Professor Bowkett to respond on the comments
7 from Thurrock Council about the conservative nature of the assessment
8 and then, finally, return to Dr Wright to respond to the comments made
9 by Transport for London in regard to junction 29 of the M25, so, Dr
10 Wright.

11 DR WRIGHT: Tim Wright for the applicant. So, we recognise that the 2045
12 forecast show an increase in the flows across Dartford, as would be
13 expected given the forecasts of growth in traffic across the region. The
14 overall reduction in traffic at the Dartford Crossing in 2045 remains up to
15 30% in peak hours compared to without the crossing. But it's important
16 to look at the nature of this traffic as well, and there are three key points
17 I want to note on that.

18 Firstly, the traffic modelling demonstrates there would still be
19 significant journey time savings, so the journey time across the Dartford
20 Crossing in 2045 would fall from 14 minutes to just over seven minutes
21 in the morning peak in 2045. And the journey time reliability assessment
22 shows that reliability gains continue to be found until the end of the
23 appraisal period, so whilst the traffic flows across the Dartford Crossing
24 do increase, the benefits continue to be seen.

25 Secondly, I refer to tables 8.50 and 8.52 of the transport forecasting
26 package, which is appendix C of the combined modelling appraisal report
27 APP-522. And this sets out how you have changes in the destination
28 and the choices people make who are using the Dartford Crossing. And
29 what you find is that there's a – the largest increase in the number of
30 people using the Dartford Crossing is people making local-to-local
31 journeys. In other words, they are travelling from the local areas north
32 and south of the river and across. These are the people who are filling
33 up, and therefore, these people receive the benefit of that new capacity

1 that's created by relieving the Dartford Crossing. And that benefit is
2 continued to be felt by the local communities through 2045.

3 And thirdly, refer to the nature of traffic flows across the Dartford
4 Crossing. Table 5.3 of the traffic forecast non-technical summary APP-
5 486 shows that there's a reduction in the proportion of vehicles using the
6 Dartford Crossing which are heavy goods vehicles. That leads to
7 changes in the traffic flows. And it also leads to improvements in the user
8 experience for car drivers currently using the Dartford Crossing whilst
9 there are a large number of HGVs using that route, so that's quite a
10 narrative description of how the benefits continue to be delivered right
11 the way through 2045.

12 But fundamentally, the answer can also be given by referring to the
13 substantial economic benefits that arise from the project. And these are
14 set out in the economic appraisal report, part of appendix D of the
15 combined modelling appraisal package APP-526. And the transport and
16 economic efficiency calculations that are set out in that document show
17 that the project delivers economic benefits, both to the country as a whole
18 but also to each of the assessed areas individually, including all of the
19 affected authorities, and that these continue through the extent of the
20 model period.

21 So I think that explains our position, that whilst, yes, we
22 acknowledge that there will be an increase in flows across the Dartford
23 Crossing, the benefits continue to grow for the project throughout the
24 model period.

25 Coming to the second point on design capacity, so the design
26 capacity value quoted for the Dartford Crossing – if I can get a little bit
27 technical, as in annual average daily traffic number. Now, that's useful
28 information to contextualise the nature of a link. But it doesn't really
29 explain the performance of a road, which is both the link itself, as in the
30 Dartford Crossing, but also the road network that surrounds it and the
31 movement of traffic through that region.

32 And therefore, whilst we do reference it, and we talk about that
33 number, fundamentally, we point to the journey time benefits, the journey
34 time reliability benefits, as being the way to understand the benefits of

1 this scheme and whether the scheme continues to meet the need into
2 the future, rather than measurement against that theoretical capacity
3 across a 10-hour period.

4 And if I can talk about the design capacity of the Lower Thames
5 Crossing, for that reason, we don't provide a design capacity for the
6 Lower Thames Crossing tunnel itself because we want to talk about the
7 performance of the crossing as a network of roads that link into the
8 existing road networks, not about the performance of the tunnel itself,
9 which has sufficient capacity throughout the model period. But that
10 answers the design capacity question.

11 And the third point I was going to pick up was the question about
12 the modelling being for 2030, given the written ministerial statement and
13 the announcement of a project rephase by two years. In the application,
14 we provide model information for 2030 and for 2045. Now, as you'd
15 expect, there is always uncertainty, as we've set out previously in our
16 submissions on the opening year, and the written ministerial statement
17 response that we provided in March set out our position on that. We
18 consider that the 2030, 2045 models set out sufficient information to
19 understand the performance of the scheme throughout that period in
20 accordance with the standard approach that you would take. Thank you.
21 That's all I have to say there.

22 MR HENDERSON: Thank you, Dr Wright. This is Tom Henderson again for the
23 applicant, so I'll now introduce Professor Bowkett to respond to the
24 comment from Thurrock Council around whether that model is sufficiently
25 conservative. But, just to preface that, we did want to draw your attention
26 to paragraph 4.6 of the national policy statement from the national
27 networks. Professor Bowkett, in her earlier submissions, noted that the
28 model in the appraisal was fully compliant with TAG.

29 And you'll note from within paragraph 4.6, and I quote, 'The
30 Examining Authority and the secretary of state do not need to be
31 concerned with the national methodology, the national assumptions,
32 around the key drivers of transport demand,' so there's clear support in
33 policy terms for the approach that's been taken. But I'll just now introduce
34 Professor Bowkett to elaborate on that.

1 PROFESSOR BOWKETT: Helen Bowkett for the applicant. So, I stated earlier,
2 the Lower Thames area model is available demand model. And within
3 it, it has elasticity values, which show the strength of a response to a
4 change in journey times and costs, so that elasticity value shows how
5 people change where they travel to when there's a change in the cost of
6 maybe going to location B as opposed to location A. These elasticity
7 values, they're a bit like the elasticity for the price of bread, so the price
8 of bread goes up, then you would buy more – no, you'd buy less.

9 And the elasticity tells you how much less bread you're likely to buy
10 as the price rises, so those elasticity values within the transport model,
11 which show how much more likely you are to travel location B rather than
12 location A if it becomes quicker to go to location B rather than location A,
13 they are provided in TAG. And it is those values, based on UK research
14 published in TAG, that have been used in the transport model.

15 Also, the forecast of the levels of predicted traffic growth in the area
16 come from the DfT traffic growth forecast, known as TEMPO[?], 7.2. But
17 we have, again following TAG guidance in the application, set out both
18 the forecasts, the traffic flows and journey times, in both a high and a low
19 growth scenario. And they are reported in the traffic forecasting package
20 APP-522 and its appendices 523.

21 TOM HENDERSON: This is Tom Henderson again for the applicant. Thank you,
22 Professor Bowkett. And finally, I'll pass back to Dr Wright to comment
23 on the submissions that we made for Transport for London in relation to
24 capacity on the M25 at junction 29.

25 DR WRIGHT: Tim Wright for the applicant. So I think it's worth stepping back
26 almost to talk about the project position regarding the impacts that the
27 road has on the wider network, the wider road network. And we refer to
28 this in a number of places through the application using the phrase 'wider
29 network impacts.'

30 As a result of the Lower Thames Crossing opening, people will
31 choose to make different journeys. And in many places on the network,
32 this will lead to beneficial impacts, notably at the Dartford Crossing but
33 also along the M25-A282 corridor, and the correct inroads, as we've
34 spoken about previously. In some cases, this would lead to adverse

1 impacts, and both beneficial and adverse impacts are described in
2 document 7.9 transport assessment APP-529. Overall, the benefits on
3 the road network outweigh the adverse impacts.

4 And this is reflected both in the economic benefit of the project,
5 within each local authority area and on an aggregated basis, as I
6 mentioned earlier. This is described in detail by the transport economic
7 efficiency information. I gave the reference earlier, and it will be repeated
8 in the written response.

9 The adverse impacts on traffic flows across the road network have
10 been assessed and considered against the policy requirements set out
11 in the national policy statement for national networks to demonstrate our
12 compliance of our proposals. We set this out in document 7.9 transport
13 assessment, appendix F, wider network impacts management and
14 monitoring policy compliance APP-535.

15 Talking about those impacts, working with local highways
16 authorities is an obligation within the national highways licence with the
17 DfT. And in delivery against this obligation, collaborative work with local
18 authorities is required and will continue into the future. And to support
19 this work, we've set out an operational traffic impact monitoring scheme
20 secured by requirement 14 of the draft DCO application document AS-
21 038.

22 Now, the purpose of this monitoring scheme is to monitor the
23 impacts of the project and other changes in traffic on the local and
24 strategic road networks. If the monitoring identifies issues or
25 opportunities, because of traffic growth or new third-party developments,
26 highways authorities will be able to use the monitoring information we
27 provide as evidence to support scheme development and case-making
28 through existing funding mechanisms and processes.

29 It's worth saying many locations across the existing road network
30 have strong cases for intervention now, and others would have strong
31 cases in the future, both with and without the project. This requires a
32 structured regional approach to the management and investment on the
33 highway network that allows for the prioritisation of funding. There is a
34 need for specific investments across the network to respond to the

1 changes in traffic flows, and it has to be considered in the context of this
2 need to prioritise investment.

3 Across England, the Department for Transport works with highway
4 authorities to agree the need for funding and to prioritise investment
5 decisions. This funding framework is, by necessity, a balanced approach
6 that looks at the various needs and priorities across the country, and so
7 it's the appropriate mechanism to manage any future investment
8 decisions. So it's within that context that the Lower Thames Crossing
9 was set out as an investment priority through the road investment
10 strategy and, as other projects have found that can optimise the road
11 network in the future, they will go through similar funding framework
12 mechanisms.

13 MR HENDERSON: Tom Henderson for the applicant, so that concludes our
14 responses to the matters that were raised under agenda item A.

15 MR SMITH: Thank you very much, Mr Henderson, and thank you to your team.
16 And thank you indeed, also, to everybody who spoke on that item. I'm
17 going to move on with no further ado to my colleague Mr Dominic Young,
18 who will lead on item 4(b), so Mr Young, the agenda is yours.

19 MR YOUNG: Thank you, Mr Smith. Okay, right, so moving on to transport
20 demand, traffic modelling and the role of the road in the national and
21 regional transport system. Well, I know that we've already spent some
22 time on this already this morning. And I don't want to necessarily go over
23 old ground, but just looking at the first question, is there anything further,
24 I guess, that the applicant wishes to say about the effect of the scheme
25 on the operation of the Dartford Crossing that hasn't already been said?
26 I know we've had various figures, and the 19% figure has already been
27 put to us. I mean, I'll put it to Mr Henderson first. Is there anything further
28 we need to say about that?

29 MR HENDERSON: Tom Henderson for the applicant. Thank you, sir. I think
30 we've made all the submissions we had to make on that subject matter.
31 Certainly, we're content to move on, sir, (ii) and (iii) under this agenda
32 item.

33 MR YOUNG: Yeah, let me just check then. Is there anybody else in the room
34 that wants to raise a point that we haven't already covered under (b)(i) –

1 bearing in mind that as we go through the examination, we'll be hearing
2 in specific respect of traffic and transportation where we'll perhaps revisit
3 this. But I'm not seeing any other hands. Well, okay. Alright, then. I
4 think we'll move on to my second question then, and that revolves around
5 how the Lower Thames Crossing will address traffic demand arising from
6 the M20 corridor and possible demand for trips in between the Lower
7 Thames Crossing alignment and the M20 alignment in Kent.

8 MR HENDERSON: Tom Henderson for the applicant. Sir, again, I'm going to
9 pass back to Professor Bowkett to respond to you on this matter.

10 PROFESSOR BOWKETT: Helen Bowkett for the applicant. One of the
11 responses in the transport model is for people to change the route that
12 they use, going to either their same destination or the new destination
13 that they've chosen. And the model forecast that for trips originating
14 further east in Kent, if they wish to use the Lower Thames Crossing,
15 rather than using the M20, they reroute to use the A2-M2 corridor to
16 reach the Lower Thames Crossing.

17 For trips that originate more in the Maidstone area, so that's
18 towards the southern end of the A229, then if they wish to use the Lower
19 Thames Crossing, they reroute up Blue Bell Hill and onto the M2 and to
20 the Lower Thames Crossing. And some vehicles that are located – they
21 start their trips on the A228, for instance at Leybourne, rather than using
22 the M20 and the M25 at Dartford. They travel up the A228 to join the M2
23 and to use the Lower Thames Crossing.

24 We do have maps that illustrate the forecast changes in traffic flows
25 on the road network. And they were shown in the traffic forecast non-
26 technical summary APP-528. And this is described in detail as well in
27 chapter 7 of the transport assessment application document 529.

28 MR YOUNG: Thank you. Okay, anybody in the room want to come in on that?
29 Right, got a few hands going up. I shall go to – well, I'll start with the
30 authorities again. Mr Bedford, you have your hand up, so I'll let you go
31 first.

32 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council.
33 I start by recognising the obvious. We are a borough council. We are
34 not the highway authority, and I'm obviously conscious of that in the

1 remarks that I make. I'm also conscious, obviously, of the administrative
2 area of Gravesham, that Blue Bell Hill, which has just been referred to,
3 does not lie within Gravesham. But obviously, the local road network is
4 effectively interconnected. The A2 obviously passes through
5 Gravesham.

6 The communities and businesses of Gravesham rely on the A2 as
7 indeed they do on the A228 and the A227 and also the A229, so what
8 we are concerned about, and as we raised in our relevant representation,
9 is, in simple terms, the lack of joined-up thinking. It is acknowledged in
10 the transport assessment material that has just been referred to, that with
11 the Lower Thames Crossing in place, there is a considerable attraction
12 to the A229, that is the Blue Bell Hill route, for strategic traffic, particularly
13 traffic from Dover M20, but wanting to go either to the Midlands or north,
14 so wanting to route round the M25, and using the Lower Thames
15 Crossing, and one can see quite clearly there is greater use of the Blue
16 Bell Hill corridor.

17 But that Blue Bell Hill corridor is currently constrained by the nature
18 of the roundabouts at each end and the carriageway up. I know you've
19 seen this. And we are concerned that, albeit that at earlier stages of the
20 option appraisal work, the applicant did propose to incorporate, as option
21 C variant, improvements to that corridor to cater for the greater flows
22 that will be attracted to it. That has now been discarded from the project
23 which is before you to consider.

24 The position is that Kent County Council as local highway authority
25 has got an embryonic proposal to improve that corridor. They've made
26 a bid submission, but they can't fund it themselves. And they've made it
27 clear in their representations, they're actually looking to National
28 Highways to make a substantial funding contribution towards that, which
29 is not something which is currently agreed.

30 And the concern for Gravesham is, as I say, a lack of joined-up
31 thinking that, at the moment, it's not clear how that will happen, when it
32 will happen, and if it doesn't happen in a timely fashion, the knock-on
33 consequences for the local road network in Gravesham. And therefore,

1 the communities and businesses that rely on those will have adverse
2 impacts for Gravesham. And we are anxious that that should not happen.

3 So, in our relevant representations, we have talked about whether
4 the Blue Bell Hill improvement should be brought into this project as
5 associated development. That is certainly a route, but we're not
6 precious, as it were, on the mechanism that is used for addressing the
7 problem. And, of course, again, we recognise we are not the applicant,
8 and, to that extent, we can't dictate what the applicant does or doesn't
9 include in the project.

10 But what we certainly want to see, and we would be looking to the
11 applicant to do something on this, is to show how, in a timely fashion, the
12 improvement will happen so that it does not cause the adverse impacts
13 on the local road network. And that may be through, as it were, a phasing
14 requirement as opposed to bringing it in as associated development. I
15 say, we're not entirely precious on the mechanism. But we want to see
16 something done to cater for the movements from that M20 corridor, which
17 we can see will have adverse impacts on Gravesham unless adequately
18 addressed and mitigated, so that's what we would wish to say to you on
19 item (b)(ii).

20 MR YOUNG: Thank you, Mr Bedford. I'm sure the applicant will address us on
21 that. But it has been a common theme in a lot of the objections about
22 concerns, capacity concerns, on that A229 corridor and, indeed, other
23 routes between the LTC and the M20, so we will seek some responses
24 from the applicant on that. Let me just see who else we have. We have
25 Ms Lindley from Shorne Parish Council. Do you want to go next?

26 MS LINDLEY: Thank you, sir. There's two aspects I wanted to mention. One is
27 the impact on the A2 and the M2. Although the applicant is of the opinion
28 that traffic westbound on the A2 from the Shorne area will be reduced, in
29 our opinion, there will be a considerable pull of traffic eastbound from the
30 M25 along the A2, so there will be other effects and also on the A2-M2
31 going up the hill after the Medway, edging eastbound. The prediction is
32 for very much – very considerable slowing of traffic, which is not
33 compatible, in my view, with function of a motorway.

1 As I mentioned earlier about problems with the A289, parts of the
2 proposals for the side feeder roads is that a lot of traffic, additional traffic,
3 will be required to use the A289, actually going up it and then back and
4 then back down it in order to access the M2, which is going to put quite
5 a considerable pressure on the A289.

6 And the other point, which hasn't been addressed in terms of traffic
7 moving from other major roads onto the LTC, is that traffic which is on
8 the M25, and heading in an anti-clockwise direction, is likely to use the
9 M26 and then either the A227 or the A228 in order to access the Lower
10 Thames Crossing. This will particularly be the case if there's a problem,
11 as there will still be, at the Dartford Crossing, so that's going to be a very
12 large migration of traffic along roads which are presently unsuitable and,
13 in many cases, residential. Thank you.

14 MR YOUNG: Thank you. Ms Blake.

15 MS BLAKE: Thank you very much, sir. I'm Laura Blake for the Thames Crossing
16 Action Group. Just really to add on to what the representative for
17 Gravesham said in regards to the option C variant, which included at
18 route selection the improvements between the M20 and the M2, Blue Bell
19 Hill, the A229.

20 And just to add on that that the applicant's reasoning for ruling that
21 out was actually because it wasn't considered essential for a new
22 crossing and because of the large costs, environmentally and financially,
23 and that is an issue that we have concerns over. I appreciate that the
24 adequacy of consultation stage has now passed, but I'll just do a
25 comment on the fact that my understanding is that you consider from a
26 statutory consultation onwards. Route selection would have been before
27 that, so I think it important to mention that as a bit of background by the
28 fact that route selection options weren't properly consulted on, and we
29 don't feel they were properly considered either. Thank you.

30 MR YOUNG: Thank you. Margaret Theobald.

31 MS THEOBALD: Hi. I'm Margaret Theobald, and I'm representing Uniper. The
32 National Highways' response to planning applications on the Hoo
33 peninsula has shown that they do believe that the junction of the M1 –
34 sorry, junction 1 of the M2 is very sensitive and that the layouts of the slip

1 roads are not compliant with DMRB for the existing traffic. However, the
2 LTC proposals are putting a substantial amount of increased traffic on
3 both the mainline carriageways through there, which will have a direct
4 impact on the operation of the slip roads at that junction, which are the
5 throttle on development within the Hoo peninsula.

6 MR YOUNG: Thank you. Well, I think Mr Henderson's already set out that they
7 will address us in writing on that particular issue, which was raised by
8 Kent – sorry, Medway.

9 MS THEOBALD: Yeah.

10 MR YOUNG: Yeah. Okay, well, that's useful. Thank you. Anybody else got
11 their hand up? Mr Ratcliffe.

12 MR RATCLIFFE: Thank you, sir. Yes, Joseph Ratcliffe, Kent County Council. I
13 just wanted to put on the record that, obviously, these issues will be set
14 out in our local impact report. Kent County Council is supportive of the
15 project as a whole for the net benefit in terms of traffic that this project
16 gives, especially to Dartford, although our primary concern is of the wider
17 network impacts, both to the strategic road network and to the local
18 network. And the A229 Blue Bell Hill link is the key one there for which
19 none of these wider impacts have any mitigation agreed yet or, more
20 specifically, any funding for mitigation agreed. But, yeah, I don't want to
21 say too much because this will all be set out in our local impact report,
22 which will be with you by deadline 1. Thank you.

23 MR YOUNG: I'm grateful. Thank you. Right, there's no other hands up. I shall
24 pass back to Mr Henderson. Mr Pratt, you want to ask a question. Just
25 unmute yourself.

26 MR PRATT: My apologies. I'll get used to this IT eventually. Thank you for
27 allowing me to speak, Mr Young. It's really a question for the applicant,
28 if I may. In Mr Smith's session and earlier in this one, comment was
29 made that the base requirement for the project is resilience. Now, I've
30 heard this morning about the fact that the highway's going to supply an
31 80% increase in road availability.

32 Yet there's only a – somewhere between 19% – reduction in the
33 Dartford Crossing, so what other – can the applicant actually
34 demonstrate how this resilience is possible in other matters? The

1 obvious one is if there's an increase in flows if there's an accident on
2 either the existing Dartford Crossing or whatever. Where does this or
3 how does this particular project offer the resilience that meets their own
4 base requirements for the project?

5 MR YOUNG: Okay, thank you, Mr Pratt. Well, let's put that to Mr Henderson
6 along with all the other comments. Mr Henderson, a lot of concern,
7 particularly south of the river and routes between the M20 and the project
8 – what does the applicant say?

9 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. So,
10 dealing with, firstly, the Blue Bell Hill, the A229 connection, and the
11 comments that were made in respect of that. As was alluded to, a
12 potential intervention in this location was considered in the development
13 of the project, known as C variant. That was considered during the
14 options phase development of the project but was discounted as part of
15 the scheme for reasons, in summary, that it wasn't required to meet the
16 scheme's objectives. And there's much more information set out about
17 this in the planning statement chapter 5, document reference APP-496.

18 Those options have been subject to successive back checking as
19 the project development – developed, sorry, following its preferred route
20 announcement. But again, that back-checking information is included in
21 chapter 5 of the planning statement, so I think that addresses the point
22 about whether active consideration has been given to options throughout
23 the development and up to submission of the application. And the
24 answer is that, yes, they very much have done.

25 My colleague Dr Wright referenced the project strategy in respect
26 of wider network impacts, and I wouldn't propose to repeat that point
27 here. But that's essentially sets out the position that the project takes in
28 respect of an intervention in this location and, as has been pointed out,
29 there is actually a parallel scheme under development to address that
30 location and that really gives flavour to what we're talking about. Projects
31 on this scale, which redistributes traffic in a way that probably no other
32 highways DCO promoted in the country to date has done so, has to be
33 considered differently and that really informs our wider network impact
34 approach.

1 And I just reemphasise the point that all of the traffic modelling and
2 all of the economic assessment the project's undertaken takes full
3 account of not just the benefits but some of these adverse impacts that
4 we've talked about, so it's all fully reflected in the case that we're making.
5 And our ultimate conclusion, the project clearly demonstrates a beneficial
6 impact, both on the traffic network and economically. I think that probably
7 touches upon all the headline points that we wanted to make.

8 In respect of – sorry, just resilience was the further point that was
9 raised by Mr Pratt. This is addressed in the need for the project, which
10 is APP-494 paragraph 5.26, how the project needs resilience, so I won't
11 rehearse that here but suffice to say that the construction of a second
12 crossing clearly adds resilience to a network that only has one road
13 crossing east of London at this current time, and also, as Dr Wright set
14 out earlier, provides extensive network performance improvements. So
15 that's our outline answer in resilience, but as I say, we direct you to the
16 need for the project document, which sets that out.

17 MR YOUNG: Mr Bedford, do you want to come in at this stage?

18 MR BEDFORD: So I hadn't planned to, sorry. I think my camera had somehow
19 come on without me – I must have knocked my icon, but, no, thank you,
20 sir.

21 MR YOUNG: Okay, thank you. Sorry, back to you then, Mr Henderson.

22 MR HENDERSON: Thank you, sir. That concludes everything we had to say in
23 response to the comments that had been raised.

24 MR YOUNG: Alright. Okay, well then, let's move on to my next question. Are
25 there elements of demand for the Lower Thames Crossing alignment that
26 could be met by existing or new heavy rail or light rail for tram services,
27 such as KenEx Thames Gateway Tramlink, and to what extent has the
28 contribution of such modes and options been explored?

29 MR HENDERSON: Tom Henderson for the applicant. For this question, sir, I'm
30 going to pass you back to Professor Bowkett to respond.

31 MR YOUNG: Thank you.

32 PROFESSOR BOWKETT: Helen Bowkett for the applicant. The transport model
33 that we use includes the ability for people to choose to switch to or from
34 car to rail. And it contains within it really detailed representation of

1 existing rail services, both in the south-east London and throughout the
2 rest of the country, so the possibility of them switching to or from rail is
3 contained within the transport model. That is one of the responses in the
4 variable demand model.

5 Looking at future schemes as well, the applicant does not consider
6 that future light or heavy rail schemes would have the capacity or be
7 sufficiently attractive in terms of the journey times to carry a sufficiently
8 high number of trips across the Thames so as to reduce the need for the
9 project.

10 The applicant has considered the contribution of alternative modes
11 within section 5.3 of the planning statement APP-495. In particular, there
12 it talks about the alternative mode of heavy rail, concluding that, for
13 passenger services, a service sufficient to accommodate the projected
14 number of passengers along with their diverse origins and their
15 movement of patterns, where here you've got a lot of north-south
16 movement, whereas the heavy rail is well suited to serve where lots of
17 people want to go to one common point, such as London, which is served
18 by the east-west rail services in the area. So, for passenger services, it
19 would not be feasible to provide sufficient services for it to be an
20 alternative.

21 And for rail freight, it's very unlikely that sufficient new
22 infrastructure, including the rail intermodal distributional terminals that
23 are needed for when you transfer goods from road to rail and back again,
24 will be provided over the foreseeable future. As such, enhanced
25 provision would not represent a viable modal alternative. But that is all
26 set out in more detail in the planning statement APP-495.

27 Now, with regards to new light rail crossings of the Thames, and
28 there's various ideas have been put forward, the applicant considers that
29 this actually would meet some elements of the local demand for the
30 project and serve some of the trips that local people want to make to the
31 other side of the river but that this would not be able to accommodate a
32 sufficient level of demand to reduce the need for the project. Indeed,
33 such complementary provision of a light rail or bus rapid transit system

1 across the Thames in the area would actually serve to prolong the relief
2 that the project would provide at the Dartford Crossing.

3 And in considering bus services, there is currently a bus service
4 across the Dartford Crossing, the X80, and the project would decrease
5 the journey time of that bus service and improve the reliability of those
6 journey times. This is set out in section 711 of the transport assessment,
7 where we set out the impact that's forecast on bus services in the area.

8 The Lower Thames Crossing as well would also provide a new
9 route across the Thames that public transport operators may choose to
10 use to provide other new local services in the Gravesend/Thurrock area
11 or for regional coach services that might like to make use of the Lower
12 Thames Crossing. Local buses wouldn't be required to pay the user
13 charge at the crossing, which would help in regards to the bus fares and
14 the attractiveness of those services. The fact that they, local buses,
15 would not be charged to use the Lower Thames Crossing is set out in
16 section 2.2 of the road user charging statement APP-517. If you'd like
17 further information on those alternatives, we'd be happy to provide that
18 in writing at a later date.

19 MR YOUNG: Thank you. Now, my colleague Ms Laver has a question.

20 MS LAVER: Yes, thank you, Mr Young. It's a question for Professor Bowkett.
21 It's in relation to the rail, light rail/tram services that you just covered. I'm
22 just trying to understand if what you're saying is that this hasn't really
23 been explored because there isn't demand. And the reason I ask that,
24 and I'm trying to get to the heart of that, is because when you spoke
25 earlier on under the first item that was dealt with this morning, you talked
26 about behavioural changes.

27 So the applicant's already acknowledged that by having alternative
28 road options going north and south, people will likely take a different job
29 so they can get from Maidstone to somewhere north of the river much
30 easier, so they would change their behaviour, where they probably
31 wouldn't, at this point, think about making that journey because they've
32 got to go via Dartford.

33 And I suppose I'm coming a long way round, but train connections
34 at the moment going north-south, you've got to go into London to come

1 out, so people making those choices about where they would work,
2 where they would invest in a business, are heavily restricted. And I'm
3 just wondering how much rail, light rail, tram, whether it's instead of or in
4 addition to, has been considered because there could be a behavioural
5 shift. I wonder if you could come back to me on that, please.

6 PROFESSOR BOWKETT: Helen Bowkett for the applicant. When considering
7 public transport alternatives to the Lower Thames Crossing for providing
8 relief at Dartford, there's two main issues to consider. One is the
9 business case of those, the provision of that public transport
10 infrastructure, and would they be commercially, financially viable. Would
11 the funding come forward to construct those schemes and to run the
12 services through them and, given the high level of subsidy that's required
13 for rail services and the high capital costs of providing them, so that's on
14 the economic – the cost of providing those services in the first place. You
15 consider that the supply side constraints.

16 And then, on the demand side, you've also got to consider would
17 those services, if they were provided, be sufficiently attractive to a large
18 number of people, given that they will take into account their journey
19 times from their front door to their final destination. And that's quite tricky,
20 then, for public transport services to provide when they want – people
21 want to go to multiple destinations, so that their journeys necessarily
22 entail interchanges, so the journey times would come high compared to
23 car. So the challenge would be, would actually enough people want to
24 move to public transport away from car to remove the need for another
25 highway crossing across the River Thames? And the applicant contends
26 that that would not be the case.

27 And although the provision of local light rail services or extensions
28 to fast track or new bus routes, if they appeared, would actually be helpful
29 in serving transport needs of people to cross the river, they aren't in
30 themselves sufficient to reduce the need for the project.

31 MS LAVER: Okay. Thank you very much. I may have some further questions
32 on that, but I could reserve them for written questions if needs be. Thank
33 you.

1 MR YOUNG: Right. Is there anybody else that wishes to speak on this agenda
2 item before we move swiftly on? Not seeing any – okay, a couple of
3 hands going up. Let me go to Thurrock first.

4 MR EDWARDS: Yes, thank you, sir. Thurrock does have one or two
5 observations in respect of this agenda item. I'm going to ask Mr Bowers
6 to address you on this, sir, I think.

7 MR BOWERS: Yes, hi, David Bowers of Thurrock, so it's worth noting that the
8 National Highways ruled out public transport as a solution to the
9 cross-river connectivity issues that they've highlighted back in 2009 with
10 the Dartford river crossing study. Obviously, that was a long time ago,
11 and things have moved on, and schemes like the Kent fast track scheme
12 have been implemented since then.

13 And although there's been further review of the option hearing that
14 has taken place, back in 2017, there was a post-consultation scheme
15 session recall, which looked at the 2009 decision. And National
16 Highways have stated that the same decision held, i.e., a highways
17 solution [inaudible] to help resolve the highway issues that have been
18 identified.

19 But National Highways haven't actually been willing to share the
20 underpinning analysis, which looked at the different public transport
21 options. And it would be very useful to be able to see those. That
22 analysis is referred to in environmental statements. But, without that
23 analysis, it's hard to see how they've looked to see how public transport
24 could meet the same level of reduction in demand across the Dartford
25 Crossing.

26 And as we've been talking already this morning, the level of change
27 in traffic flows across the Dartford Crossing is actually very low. And it
28 seemed plausible that a public transport scheme could deliver that same
29 level of change in traffic flows in a reasonable way, which would be
30 potentially delivered in the same way that other public transport schemes
31 are delivered around the country.

32 And I noted the comments about the X80 having a decreased
33 journey time. Again, it would be useful to know if that was just in the
34 opening year and what the decrease in journey time for the X80 would

1 be in, say, five years, 10 years or in 2045 because, as we've been talking
2 earlier, traffic flows will change at Dartford Crossing back to their current
3 level quite swiftly after opening and so to understand the impact on the
4 X80 would be very informative. Thank you, sir.

5 MR YOUNG: Thank you. Ms Blake.

6 MS BLAKE: Thank you very much, sir. Laura Blake, Thames Crossing Action
7 Group. Just a few observations to make on what has been said on this
8 matter. Firstly, with the Lower Thames Crossing offering provision for a
9 bus service, we believe that that wouldn't be viable due to the lack of
10 adequate connections to actually really make that viable as an option for
11 the bus companies, and particularly north of the river in Thurrock, where
12 the access points to there would mean long detours for bus services to
13 actually get onto the LTC to serve the crossing.

14 In the topic of the rail freight, we find it very surprising that at a time
15 of climate emergency in this day and age that there isn't any rail
16 connection for, say, the port of Dover, for example. And the focus from
17 National Highways on the aspect of rail freight seems to be very focused
18 on crossing the river, whereas there is actually a rail improvement option
19 between Ashford in Kent round to Reading, bypassing the London, which
20 is already busy for rail, and actually could and would serve the Gatwick
21 area as well.

22 In regards to the comment about finances, we would observe that
23 the money is being found for the LTC, so money could equally be found
24 and, instead of LTC being funded, could be put into public transport. As
25 for whether or not it's attractive for a modal shift, we would comment that,
26 again, in a time of climate emergency, we should be looking at necessity
27 rather than keep building more and more roads, which are proven not to
28 solve the problems because of induced demand and actually be looking
29 to encourage and support modal shift, rather than simply saying we
30 haven't got the money and will people actually use it. Thank you.

31 MR YOUNG: Thank you, Ms Blake. Mr Henderson, do you want to come back
32 on or are you content to deal with that in writing or...?

33 MR HENDERSON: Tom Henderson for the applicant. If I might just make some
34 brief comments in response to that, and we will respond in writing as you

1 say. In response to the comments made by Thurrock Council as regards
2 the 2009 multimodal study and suggestion that that was aged, we would
3 just emphasise that the planning statement chapter 5 contains a
4 back-checking reassessment of that. In other words, an up-to-date
5 reappraisal of the position so that information is contained in the
6 application.

7 It was also mentioned, I think, I wrote down that the level of change
8 associated with the scheme at the Dartford Crossing was low and the
9 journey times would return to their current levels quickly. And just to
10 emphasise, that's not the case that was made by Dr Wright. We
11 submitted evidence very much to the contrary on that point.

12 In response to the comments made by TCAG, Professor Bowkett's
13 obviously spoken at length on the situation as regards rail freight, so I
14 won't comment on that. And as regards the cost of the scheme and the
15 potential to pursue other forms of transport across the river, I set out in
16 agenda item 3 the scheme objectives that the project is seeking to
17 respond to. Importantly, the policies support that this scheme draws from
18 the national policy statement, which is clear that there's a compelling
19 need for new road capacity, so I'll conclude at that point.

20 MR YOUNG: Thank you, Mr Henderson. Right, we will now move on to the next
21 agenda item, and I will reintroduce my colleague Mr Smith.

22 MR SMITH: Thank you very much, Mr Young. And our colleague Mr Ken Taylor
23 will also come onto camera for this item where, I think you'll be pleased
24 to hear, we can be very quick because, in terms of our initial questions
25 on the effects of the two-year rephasing in capital funding, I had an initial
26 question about whether there is sufficient scope within the Rochdale
27 Envelope for the proposed development and whether, particularly, the
28 ES has sufficiently assessed the potential slippage to take account of the
29 two-year rephase.

30 Now, we've had very clear submissions from the applicant, both
31 here and previously in writing to the view that the applicant is clear that
32 they think this is well within the envelope of that which was being
33 assessed. So, unless, Mr Henderson, you have in principle submissions
34 that you wish to put to us further on that point, I was proposing to move

1 out to the room and just seek any further final observations or comments
2 on it. Mr Henderson.

3 MR HENDERSON: Tom Henderson for the applicant. Thank you, sir. As you
4 say, we've made full submissions on this, so we've got nothing further to
5 add to what we've already said.

6 MR SMITH: Okay. Now I do see then I have two hands on this point. We've got
7 Michael Bedford KC and then Alex Dillistone, who is for the Port of
8 London Authority, so I'm going to go to Michael Bedford for Gravesham
9 first.

10 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council.
11 Sir, we are not, at present, persuaded by what the applicant has said. I
12 know Mr Henderson just referred to full submissions. We've looked at
13 the letter of 30 March 2023, that's AS-086, where I think the position from
14 the applicant is set out. And we have considered that, but we don't find
15 that to be either comprehensive or full to deal with all of the issues that
16 would arise in relation to a consideration outlined in your questions. And,
17 sir, it's not that we've got a concluded view. It's that we simply don't
18 really think the examination has been given sufficient information or
19 material to make a properly informed judgment on that.

20 And, sir, I mean, the way that we would put it is to enquire, as it
21 were, through you, whether it is possible for the applicant, as it were, to
22 supplement what they said in AS-086 by the provision of a coherent
23 rationale which looks at each of the environmental topics in relation to
24 the environmental impact assessment and explains, first of all, why the
25 change in construction period, therefore, does not make any change to
26 the assessments for the purposes of identifying what is the reasonable
27 worse case for a Rochdale Envelope parameter.

28 And then secondly, also in relation to each of those topics, takes
29 the various environmental disciplines and their guidance on methodology
30 and explains why staying with the assessment years which are assessed
31 in the environmental statement still accords with guidance if you
32 acknowledge, which is now the case, that the year of opening will not be
33 2030 and will be not before 2032.

1 Now, we're in a sense open to be persuaded that the applicant's
2 starting point is valid, but we really don't think that there is sufficient
3 information provided by the applicant so far to deal with that.

4 MR SMITH: In a nutshell, Mr Bedford, it seems that you are inviting us to pursue
5 the road that, notwithstanding that this change, this rephrasing, was not
6 the applicant's change. It was essentially foisted upon them, but you are
7 inviting us to treat it as though it were the applicant's changed proposal
8 and, essentially, to document it up in the way that they typically would for
9 a changed proposal that they themselves originated and give us the
10 same ES chapter by ES chapter summary table breakdown. Is that what
11 you suggest we should be having?

12 MR BEDFORD: Well, sir, certainly, that would be one way, procedurally, of
13 dealing with the issue. And we wouldn't, as it were, oppose that.
14 Whether it needs to be formalised in that way or whether it can simply be
15 dealt with, as it were, more by simply a request from the Examining
16 Authority for further information, without, as it were, focusing on is it
17 actually a change to the applicant application or not is perhaps a point of
18 fine-tuning. Essentially, what we think the examination needs is the
19 information. The procedural route to achieve it is perhaps more of a
20 matter for you.

21 MR SMITH: Well, we will certainly give very careful consideration to that. I'm
22 sure that's something on which the applicant will wish to make their own
23 submissions before we close out this item. I now note that we have two
24 sets of port interest because we also have a request to speak from Alison
25 Dablin here, who I believe is representing Port of Tilbury London Limited.
26 But I did see Alex Dillistone for the Port of London Authority, so I'm going
27 to go to the Port of London Authority first and then, finally, to Port of
28 Tilbury London Limited.

29 MS DILLISTONE: Thank you, sir. The Port of London Authority has
30 environmental and conservancy responsibilities for the River Thames,
31 and so we do have an interest in the various surveys and the dates of
32 them as they've been identified in the environmental statement,
33 document 6.53. Those, we are interested particularly in the surveys for
34 marine biodiversity, ornithology and air quality. But we also have queries

1 about the effect of a delay on the water framework directive assessment,
2 which is document 6.3 of the environmental statement at appendix 14.7.

3 In terms of the dates of the surveys, those surveys that inform the
4 biodiversity chapters and the habitats regulations assessment, which is
5 document 6.5, are potentially and arguably already out of date because
6 the most recent surveys have been carried out in 2019. When you look
7 at some of the other surveys, the data for seals, for example, that was
8 carried out in 2013, 2014, so we are already getting on for 10 years ago,
9 and that will be 20 years away from the new proposed opening date, the
10 new earliest proposed open date, I should say.

11 The air quality chapter is similar. The older the data, the less
12 relevant baseline, so in our view, that makes a two-year delay
13 problematic. The baseline could have altered significantly in the years
14 between the surveys being carried out and between when the works are
15 going to commence.

16 Now, what we would expect to see is an updated baseline to
17 address any potential changes in the baseline, and therefore, the
18 assessment on which they are based. We would also query the effect of
19 a two-year delay on the water framework directive assessment, which is
20 appendix 14.7 to the environmental statement. And in our view, an
21 updated assessment would be required if there were any significant
22 changes to the project, or if the water body classification is updated. That
23 last happened in 2019.

24 Now, in terms of updating these statements and whether there is
25 an intention to do that on behalf of the applicant, we note that, looking at
26 the register of environmental actions and commitments, document 6.3
27 and appendix 2.2, the code of construction for practice, as far as we can
28 see, that document doesn't include any commitment to update the
29 surveys and the environmental baseline to take account of these delays.

30 Now, what we would welcome is the applicant's justification of how
31 the older surveys, and therefore, the baseline, remain relevant,
32 particularly given the two-year delay and that the opening will not be until
33 before 2032, so we would support a request from the Examining
34 Authority for further information, or however else the Examining Authority

1 wishes to deal with that. But we would welcome that information. Thank
2 you.

3 MR SMITH: Apologies. Thank you very much, Ms Dillistone. And then finally, if
4 I can go to Ms Dablin.

5 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. I believe my
6 submission is very much aligned with the submission just made by the
7 Port of London Authority. The Port of Tilbury would definitely welcome
8 an explicit requirement that the ES complies with all relevant guidance
9 and standards as the age of data – that would be the Chartered Institute
10 of Ecology and Environmental Management and British Standard 42020
11 – essentially, just to ensure that particularly the baseline data remains
12 relevant and that time-sensitive elements of the environmental statement
13 can be refreshed in order that they may be suitably relied upon as set out
14 in our relevant representation.

15 The Port of Tilbury does have concerns over the age of the baseline
16 data that underpins the current assessment, in particular, where, in
17 places, this predates the development of Tilbury 2. And any delay in the
18 carrying out of the scheme will only exacerbate this issue. Thank you.

19 MR SMITH: Thank you very much. Succinct. And now, what I will do is just
20 pass back to the applicant to put a responding position on this point.

21 MR HENDERSON: Tom Henderson for the applicant. So, as we've said, we put
22 our position in the response to your procedural decision of 21 March
23 2023. In response to the points that we've heard just now, procedurally,
24 we recognise it's a matter for you, Ms Dillistone, how to examine this
25 matter going forward. We anticipated that your first written questions
26 would raise matters relating to this issue, and that's where we would
27 anticipate then responding more fully should that be what you desire us
28 to do.

29 The one point that I would wish to make at this stage is that we do
30 not agree that this should be conceived as a change to the application
31 because, in common with every other DCO I would suggest that's ever
32 been made, there is a degree of flexibility over commencement of the
33 scheme, notably five years. Again, I think that's consistent with every
34 other DCO that's ever been made, certainly, the ones I've seen. And

1 therefore, what's been proposed is no different to the level of flexibility
2 that every DCO application contains. In other words, some delay in the
3 commencement of construction does not then serve to undermine the
4 environmental assessment that accompanies the application.

5 MR SMITH: And returning to some previous conversations we've had on this
6 point, the proposition there being, essentially, that, of your five years
7 commencement, you have, effectively, taken on the chin two years.
8 Look, we're not going to resolve this in the here and now. I think it's very
9 important to reflect that we have had substantial submissions on the
10 question around additional analysis from Gravesham and from the port
11 authority and the port, so what we will do is we'll take those away – we
12 will consider very carefully what our best procedural response is. If there
13 is anything further that we need to address in this hearing, we'll do it in
14 the closing before we leave the hearing at the end of this agenda.
15 Alternatively, one of the routes we'll do is, in fact, one that the applicant
16 has already flagged up in Mr Henderson's submissions there. It can be
17 dealt with in writing in the Examining Authority's first written questions,
18 so if it's not the one it will be the other, but we will be giving very careful
19 consideration to this, and on that basis I'm going to move away from this
20 item to Mr Taylor, who will take the second question under 4(c).

21 MR TAYLOR: Yes. Hello, everyone. So the question we're dealing with – so
22 we're looking at item 4(c)(ii) on the agenda and the overarching question
23 is: 'What is the effects on construction duration and environmental effects
24 of the proposed use of a single boring tunnel machine' – so TBM is the
25 likely language we're going to use going forward – 'compared to having
26 two tunnel boring machines?' So I'm going to first turn to the applicant
27 to ask that question, but I'm just going to flag up a couple of things before
28 I do.

29 So in terms of documents that are in our document library, we've
30 got the notification of proposed changes from the applicant – which is
31 document reference AS-083, and very specifically pages 9 to 11, and
32 then also we had a very preliminary discussion about some of these
33 matters but not a detailed discussion at our preliminary meeting part 1,
34 and the transcript of those the applicant responded to on page 94 at lines

1 22-26 so that's where I'm looking to start for the applicant, and they
2 raised the point that whether or not there were one or two boring tunnel
3 machines did not have any implications in terms of the powers that were
4 sought in the development consent order.

5 So I'd like the applicant to address that first and then, secondly, I'd
6 like the applicant to address whether the wider environmental
7 implications were taken into account of whether there were one or two
8 tunnel boring machines and the differences, and then I've probably got
9 some follow-up questions after that. So Mr Henderson, over to you first,
10 please.

11 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. So just
12 to repeat the points that I laid out under agenda item 3, insofar as the
13 way in which we invite you to handle this – as I said, our submission is
14 that this is not a change to the application but rather is something that
15 was already accommodated within the proportionate degree of flexibility
16 that the application allows for.

17 In a moment I'll invite Mr Barney Forrest, who's the environment
18 lead for the project, to address you in more detail on the environmental
19 aspects of that, but in relation to the question of the development consent
20 order and the various control documents that are secured by it, as I
21 mentioned earlier, no change is required to those documents in order to
22 accommodate the delivery of the scheme using a single tunnel boring
23 machine, and so that's why I made the point that it's not a change to the
24 application that was submitted, but rather it's accommodated within the
25 degree of construction flexibility that we've already applied for. So that's
26 the answer, I think, on that first point unless you've got further points, and
27 I'll then pass over to Mr Forrest, as I say.

28 MR FORREST: Hello. Mr Forrest for the applicant. I'm the environmental lead
29 on the project, and specifically in relation to your question on the
30 environmental effects of one versus two tunnel boring machines or
31 TBMs, I think the first point is around duration and duration of effects and
32 the overall construction duration which is presented in chapter 2, which
33 is the project description of the environmental statement which is

1 application document 142 in plate 2.13 on page 147, that envelope of
2 assessment would remain the same.

3 This is because with a single tunnel boring machine, the elements
4 of construction work required at the northern tunnel entrance before the
5 tunnelling can start would initially be smaller in scale, allowing the
6 tunnelling to start approximately 10 months earlier than set out in chapter
7 2. The remaining works in the northern tunnel entrance would be
8 constructed after the launch of the tunnel boring machine and once
9 operation of that tunnel boring machine is underway. The construction
10 of the second tunnel would be serviced from the north portal.

11 So I think this is a really important point in the assessment, and
12 hopefully we set this out clearly in our submission, that the tunnel would
13 be driven from north to south, turned around, and driven back again, but
14 the slurry – the excavated material that comes from the tunnel head –
15 would be transported as a slurry back through the tunnel to the north
16 portal and, similarly, the material required to construct the tunnel as the
17 tunnel boring machine proceeds would be provided from the north tunnel
18 entrance, so the logistics that are set out in the project description
19 chapter 2 would remain the same. So we wouldn't be looking to shift any
20 servicing of the tunnel to the south portal which would change the
21 construction traffic.

22 So fundamentally, there would be no change to the permanent
23 works or footprint of the development. The works at the north portal
24 would start earlier and there would be an increase in early-phase activity,
25 and I think if you – but this early-phase activity would be no greater than
26 the next phase of construction as assessed within the environmental
27 statement, so we would assert that we've undertaken a reasonable worst
28 case assessment that is presented in the environmental statement for
29 those tunnelling activities, and then there would be marginal benefit –
30 circa 38,000 tonnes of carbon as a result of using one less tunnel boring
31 hole machine, because there's a lot of embedded carbon in the machine
32 itself, and that's basically the statement that we have in terms of how the
33 environmental statement wouldn't change as a result of one or two tunnel
34 boring machines. Thank you.

1 MR TAYLOR: Okay, thank you. That's really helpful. I think what we'd request
2 is if and when you put in the change request, that that is very clearly set
3 out in terms of your case for why the development consent order in of
4 itself wouldn't need to change, and then the environmental impacts sit
5 within the parameters you've already considered.

6 MR HENDERSON: Sir, could I just come back in at that point?

7 MR TAYLOR: Yes, please. Yeah.

8 MR HENDERSON: It's Tom Henderson for the applicant again.

9 MR TAYLOR. Yes, please. Turn your camera back on.

10 MR HENDERSON: There we go. I mentioned that we were going to address
11 you about some additional documents that we want to submit at deadline
12 1 in the last agenda item but, actually, one of those matters is relevant to
13 the point that you've just made. For reasons that we can return to later
14 on in the agenda, we're seeking your permission to submit an addendum
15 to the environmental statement at deadline 1. This would incorporate
16 some additional assessment that we wish to put before the examination,
17 but as part of that addendum, we were proposing to make modifications
18 to the project description to recognise that the tunnel could be
19 constructed using either one or two tunnel boring machines.

20 Now, procedurally, we think that's helpful to you because you'll then
21 have that information in advance of your decision or your receipt and
22 decision upon our change application, so if you're of the view, contrary
23 to us, that it should be considered as a change that can then inform the
24 change submission that we anticipate putting to you in early August, so
25 if you're content with that approach that's one that we would like to follow.

26 MR TAYLOR: I think, Mr Henderson, we have not made a view on whether it is
27 a change or not and we will obviously review that when we get the
28 documentation from you, but I think what would be helpful is that in the
29 submission it's really clear the construction timescale differences and the
30 effects that result from either having the two tunnel boring machines or
31 the one, and then also if ultimately you as an applicant are seeking a
32 DCO to nail down whether it's two or one, or the flexibility to have both,
33 the sooner we know your position the better it is for us to then consider
34 that.

1 MR HENDERSON: Tom Henderson for the applicant. We can certainly put that
2 information before you and, as I say, we propose to do that in deadline
3 1. We can return to the form of that, perhaps at agenda item 5, because
4 we may have some further questions on that.

5 MR TAYLOR: Yeah, and just to be really clear, it's probably helpful to state to
6 everyone in the room that it's highly likely that we'll have an issue-specific
7 hearing that revolves around tunnelling in our next block of hearings in
8 early September where we can deal with some of these very technical
9 issues, but as a starting point I think a clear understanding of where we
10 want to go from this with this as an applicant will be helpful.

11 MR HENDERSON: Thank you. We will do that.

12 MR TAYLOR: Thank you. So I'm now going to look to the virtual room, and I
13 see that we have – Susan Lindley has a hand up.

14 MS LINDLEY: Thank you very much, sir. Obviously, the applicant has just said
15 some things which do provide more information than was actually in the
16 consultation document. I think it just said something about the slurry
17 being removed. It didn't say about all the materials being provided
18 through the tunnel. However, the point I wanted to make is that the
19 comments on the consultation have gone back to the applicant. So two
20 aspects about that – one is, to us, whether it would be helpful to do the
21 inspectorate for the comments from interested parties to be copied to
22 yourselves for information so you can see what we submitted, and the
23 other aspect of that is that experience to date is that points that are raised
24 aren't always translated into the consultation report. Thank you.

25 MR TAYLOR: Yeah, so Ms Lindley, anything that you want to say, you can pop
26 into your deadline 1 response, which might include details of what you've
27 submitted to the applicant in the past, as in an annexe. Yeah – so
28 absolutely fine. You can do that.

29 MS LINDLEY: Thank you.

30 MR SMITH: I will also indicate, actually, briefly, on that point, Mr Taylor, and that
31 is that one of the things that we need to consider, of course, is the
32 procedural route forward for the applicant on this material. Now, one of the
33 mechanisms that is sometimes pursued here is the submission of what
34 amounts to a mini or shadow consultation report where the applicant

1 actually addends specific matters put in a consultation as part of the
2 documents provided to the Examining Authority making a judgment on a
3 proposed change to an application. Now, it's certainly been done in the
4 past. It's not universally done because it sits in this place between the
5 judgment point about whether the changes are material or not but, again,
6 we will give consideration to that. Sorry, Mr Taylor.

7 MR TAYLOR: Yeah. Thank you. So can I go to Mr Bedford, please.

8 MR BEDFORD: Thank you, sir. Michael Bedford at Gravesham Borough
9 Council. So we note what is said. What we would envisage wanting to
10 see happen, and it probably won't be something to get into the detail of
11 tomorrow when we're talking about the DCO in overarching terms, but
12 we would certainly want to see the things that Mr Forrest was referring
13 to. That is to say, in particular, that if an elect for the one tunnel boring
14 machine nonetheless that will be serviced from the north and that all the
15 spoil will be removed to the north, we would want to see that reflected in
16 one or more of the control documents so that it's absolutely clear,
17 because that would go a considerable way to allaying our concerns that
18 we will work out the most appropriate submission point to make a specific
19 comment on that when we have reviewed further some of the
20 documentation.

21 It's certainly something I think we'll flag up in our local impact report
22 and it may be that, as I say, there are particular documents which are
23 appropriate as the best place to secure the things that Mr Forrest was
24 talking about. Thank you, sir.

25 MR TAYLOR: Thank you. Yeah. I just ask the applicant to note that and consider
26 that in their response. So can I go to Thurrock Council, please.

27 MR EDWARDS: Yes. Thank you, sir. Mr Stratford is going to address you in
28 respect of this agenda item.

29 MR STRATFORD: Good afternoon. Chris Stratford for Thurrock Council. The
30 comments I've got, I suppose, stay within the confines of 'not enough
31 information'. We have of course submitted a consultation response to
32 the MRC to the applicant and I took the opportunity to copy the
33 inspectorate to that. Essentially, the only information we have is set out
34 within the booklet that they provide – those 30-ish pages – and in a short

1 briefing we've had as a council. Now, in the booklet, this construction
2 update is described in one page with a couple of other pages setting out
3 in summary what the environmental effects may or may not be.

4 So our approach has been to ask a number of questions, for the
5 simple reason that there is no information on which to base anything
6 other than what we're being told. We haven't actually seen the evidence
7 and we have 25 separate points and questions about a range of matters
8 – overall matters. I'll just give you the subheadings: proposal definition;
9 excavated and constructed materials; the construction method and
10 transport; worker operation; DCO commitments and control, like the
11 previous speaker mentioned; and emergency and incident provision of
12 such a proposal – how do emergency vehicles get to and from when
13 everything else is in that one single bore?

14 So I would alert the Examining Authority to that submission. It
15 might provide some guidance to possible questions. It may, in fact,
16 provide the applicant with ways to respond. They don't normally respond
17 to our consultation responses, so we await your thoughts on this, really.
18 Thank you.

19 MR TAYLOR: Yeah. Thank you, and just to reiterate what I've said – it's likely
20 that we'll have an issue-specific hearing on these matters and it's almost
21 certain there'll be first questions around some of the issues that you've
22 raised, so thank you very much, and I think we have a representative
23 from the Port of London Authority also with their hand up.

24 MS DILLISTONE: Thank you. Alex Dillistone from the Port of London Authority.
25 We do also have a genuine question around the effect, on the
26 environmental statement, of switching to a single tunnel boring machine,
27 because the applicant's original proposal was to have the two tunnel
28 boring machines running, to a large extent, concurrently, which would
29 have meant for a shorter construction timetable. Now, using a single
30 tunnel boring machine takes longer, and that's not just because you have
31 to – there is no concurrent working; it's also because the tunnel boring
32 machine has to turn around on the south side, which takes longer than
33 tunnelling in a straight line.

1 So we've just heard from the applicant that those works would need
2 to start 10 months earlier and that there will therefore be an increase in
3 the early-phase activity, and we've also heard from the applicant that the
4 response to that – I won't call it a 'change', but the response to using a
5 single tunnel boring machine is to submit an addendum to the deadline
6 1 which mentions the description of the project only. Now, we would like
7 to see some kind of information which justifies the basis on which the
8 applicant is saying that it does not need to make any change to the
9 environmental statement and that there will be no new or different
10 significant effects that arise from starting the constructions phase earlier
11 and increasing the early-phase activity. Thank you.

12 MR TAYLOR: Yeah. Thank you, Ms Dillistone. So I'm just going to flag that to
13 the applicant that that's, obviously, an open question, and I'm very aware
14 we're sat in a position where the applicant hasn't actually formally
15 submitted their change request to the EXA, but if they do then we'll have
16 to consider those matters, so it's one of those things that I'm going to ask
17 the applicant to take away and think about, and unless anybody else
18 wants to put their hand up to talk about this question, I'm going to turn to
19 the applicant for their final comments on this issue. I'm not seeing any
20 hands, so I will go to the applicant.

21 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. Just
22 dealing with the points that were raised in turn – as regards responses to
23 the consultation, I can confirm that our application for change, as I
24 indicated – provisionally coming in in early August, will include a
25 consultation report which thematically reports back on what interested
26 parties have said in respect of the three changes.

27 As regards potential commitments that might be made in the DCO
28 or related documents, we'll be happy to pick that point up tomorrow at
29 the issue-specific hearing on the draft DCO, and then, as regards
30 comments from Thurrock Council and the Port of London Authority about
31 additional information, we're very content to answer any further questions
32 on this which we would anticipate again coming through your written
33 questions. We recognise, procedurally, that's a matter for you. So that's,
34 really, all we have to say on the points that have been raised.

1 I think I would just reiterate that fundamentally here, what we're
2 saying is that we have three – in our view – non-material changes which
3 we are seeking permission to have accepted into the process, as I say,
4 in August, but we are clear that in our view the single tunnel-boring
5 machine is not a change, and that's why I submit that it would help the
6 process if we were to put the information that supports that through our
7 ES addendum – the project description – into the process at deadline 1,
8 and that allows, then, this issue to be dealt earlier in the process rather
9 than waiting until August, and incorporating it into what is actually an
10 application for a change, and to be clear we're not asking at this stage
11 for permission for a change to a single tunnel-boring machine, for the
12 reasons we've said. I hope that makes sense.

13 MR TAYLOR: Yes. Thank you, Mr Henderson. I'm now going to pass over to
14 Mr Smith.

15 MR SMITH: Thank you very much, Mr Taylor, and on that final point before we
16 close out this item that Mr Taylor and I have both been leading, we'll do
17 some thinking over lunch and if it turns out that there are matters that we
18 can usefully address at agenda item 5 when we're talking about,
19 essentially, some forward look to future actions, we will come back and
20 have a conversation with the applicant and parties at that point, but I think
21 we have reached a sensible place. I said we were aiming to take the
22 lunch break at an hour at approximately 1.15. We're just a little bit late
23 on that, but if we break now at 1.22, for the sake of a round figure so it's
24 relatively easy to find on our watches, why don't we say we will resume
25 at 2.25, everybody?

26 2.25, and that's when we will then move back to Mr Young, who will
27 take us through item 4(d) on this agenda. Thank you very much,
28 everybody. We are now adjourned for lunch.

29
30 **(Meeting adjourned)**

31
32 MR YOUNG: Right. Item agenda 4(d). So let me ask the applicant this: having
33 regard to anticipated traffic levels and user safety, is there a case for a
34 different road design approach? Including, perhaps, consideration of a

1 special road, motorway, provision of a continuous hard shoulder, or any
2 other particular safety measures.

3 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. My
4 colleague, Mr Latif-Aramesh is going to lead on the response to this
5 question, so I'll pass over to him now.

6 MR LATIF-ARAMESH: Good afternoon. As Mr Henderson explained, my name
7 is Mr Latif-Aramesh. I'm here on behalf of the applicant. I will shortly be
8 handing over to Mr David Cook, who is the head of the strategic
9 operations on the Lower Thames Crossing, to provide an explanation
10 and a detailed answer to your question, but I wanted to make two
11 preliminary remarks. The first was to say, very clearly, that the A122 is
12 not proposed to be a smart motorway nor a special road, and the second
13 relates to exactly how that is secured under the terms of the order.
14 Bearing in mind that we have an issue-specific hearing tomorrow on the
15 draft order, this will be very brief.

16 Article 15 of the draft order relates to the classification of roads, and
17 that cross refers to schedule 5 which sets out the classifications which
18 would apply to each road that's proposed as part of the project. Part 2
19 lists out the relevant trunk roads and the A122 is proposed to be an all-
20 purpose trunk road. This is also shown in the classification of roads plans
21 very clearly. That's APP-041. As Mr Cook will go onto explain, there are
22 important distinctions between motorways or special roads and trunk
23 roads, particularly relating to which design standards are relevant. We
24 propose to respond to this question in two parts.

25 The first relates to the distinction in classification and the second
26 element, which is the latter part of your question, relates to the safety
27 measures and whether it would be appropriate to incorporate hard
28 shoulders, and on that note I will hand over to Mr David Cook.

29 MR COOK: Good afternoon. David Cook on behalf of the applicant. So as we've
30 just laid out, we propose to split this down into two key answers but with
31 a thread that links the two together. So first of all, I'd like to pick up on
32 the first half of the question so, 'Having regard to the anticipated traffic
33 levels and user safety, is there a case for a different road design
34 approach, including consideration of a special road or motorway?' So

1 first of all I wanted to lay out that, as we've mentioned today, Lower
2 Thames Crossing is being designed as an all-purpose trunk road, also
3 known as APTR, and our position is there is not a case for an alternative
4 road design approach.

5 The current design is compliant with standards and appropriate for
6 the traffic levels and user safety. So building on that, to state the obvious,
7 LTC – Lower Thames Crossing – is therefore not a motorway. Now, it's
8 fair to say that consideration has been given to whether a motorway
9 would be appropriate, but our consideration has ruled that out, and I'll
10 give some of the key reasons now.

11 MR YOUNG: Yeah. Just on that – you say it's obvious, but it isn't obvious to a
12 lot of people, and you'll have read the objection and representation and
13 you will know that a lot of people don't really understand the distinction
14 between an A-road – and the fact that this is an A-road when some
15 people say it looks and it smells just like a motorway, yet it's an A-road.
16 So it's not obvious to a lot of people – that distinction, so it would help if
17 you could explain that.

18 MR COOK: Yes, absolutely. I'll go onto explain some of those. So first of all,
19 picking up on consideration of why we would rule out motorway as the
20 appropriate classification. So at the highest level, the Lower Thames
21 Crossing provides a link between the M25, the A13, and then the A2 in
22 the south.

23 So when we look at motorways, they generally provide main arterial
24 routes – so long distance corridors across the country, typically, and
25 that's rather than what we might consider a link road or an in-field road
26 such as Lower Thames Crossing, and then when we look at the types of
27 roads that we're connecting into – so as I've mentioned, the M25, the
28 A13, and the A2 – two of those roads are all-purpose trunk roads as well
29 – so the A2 and the A13, and then when we also look in and around those
30 junctions, there are further all-purpose trunk roads – so for example, at
31 the M25 junction 29, close to where we link in, we also have links
32 available to the A127, similar with the A13 – we've got links available to
33 the 1089, and then at the A2 junction – the A289.

1 So what we're starting to build there is a picture that we're largely
2 in an area of all-purpose trunk roads, so therefore to maintain that route
3 consistency and the ease of customer experience, an 'all-purpose trunk
4 road' has been deemed the most appropriate classification for the Lower
5 Thames Crossing, and therefore we have proceeded to develop as an
6 all-purpose trunk road. So moving to the second key part of the question
7 – so, 'Provision of a continuous hard shoulder or any other particular
8 safety measures – have they been considered?'

9 So starting off at the top – and that distinction of an all-purpose trunk
10 road – all-purpose trunk roads do not normally feature hard shoulders
11 and that's a key design element of an all-purpose trunk road, and then
12 when we look to the detail of how we've designed the Lower Thames
13 Crossing – so it's been designed in accordance with the design manual
14 for roads and bridges – or the DMRB, as we've described it – and that's
15 to the standard GD300 ,and the full title of that standard is the
16 requirements for new and upgraded all-purpose trunk roads, and as a
17 new road we will feature, in terms of our geometry, full-width lanes – so
18 3.65 metre lanes – so full-width lanes standard design lanes.

19 On top of that, to each side of the carriageway – so nearside and
20 offside – will feature a minimum of a one-metre hard strip, and then to
21 the nearside – so looking at the verge – so typically the grassed area to
22 the nearside of the carriageway – what we're looking to do there is to
23 create that feeling of open space and safety. So looking at what that
24 verge would typically feature in terms of a layout, where we do need to
25 feature vehicle restraint barrier to the nearside of the carriageway – for
26 example, if that's protecting a structure or equipment that needs to be in
27 that verge – that will be set back at least 2.3 metres from the nearside of
28 the running lane 1, and what that will be made up of is that 1 metre of
29 hard strip, as I've already mentioned, and then a further 1.3 metres or so
30 of hardened drainage area.

31 So if you did need to leave lane 1 and there was a barrier there,
32 there would be at least 2.3 metres of space and that's a typical car – if
33 absolutely required could fit into that space, and then on top of that,
34 almost half of the road would, as we anticipate in our preliminary design,

1 have no barrier at all or would already be an emergency area or layby to
2 stop in, and what that would mean is that the road user potentially has
3 full access, if they absolutely needed to, to that verge area – and again,
4 creating that feeling of space and refuge if required.

5 As I've mentioned, we do feature places of relative safety or
6 emergency areas, so our priority would be to get people to those
7 emergency areas to create that place of relative safety, as I've laid out,
8 but if absolutely necessary, that verge would create that feeling of space
9 and availability. On top of that and then moving to additional safety
10 measures, what we're proposing to create here is a best-in-class all-
11 purpose trunk road, and I'll just run through some of the features that we
12 have proposed to include that you wouldn't typically find on a
13 conventional all-purpose trunk road.

14 So we do propose to include lane control signs – so signs that can
15 display closed-lane, diverts, etc – so a red X if we needed to close a lane
16 – and also variable mandatory speed limits if we did need to change flow
17 speeds or control traffic speed for safety reasons, they could be
18 implemented. We'd also feature stopped vehicle detection – again,
19 linked to the technology that I've just outlined above. An important
20 consideration here is that that stopped vehicle detection can detect
21 vehicles across all lanes, not just vehicles that might have been trying to
22 get over to lane 1 or over to an emergency area, so we've got full
23 coverage. On top of that – full CCTV coverage and, as I've outlined
24 earlier, places of relative safety or emergency areas at regular and
25 predictable intervals if you did need to stop whilst on the road.

26 We'd also propose that we have on-road resources from our traffic
27 officer service patrolling the Lower Thames Crossing route and also
28 active management of the route – monitoring management of the route
29 from our regional operations centre. I've laid out a number of things
30 above there, but National Highways will continue to incorporate
31 advances into this design, and particularly in the area of technology as
32 they emerge in the years to come and throughout our design as the
33 DMRB standards potentially develop in the years ahead. So therefore,
34 for the reasons that I've outlined there, we conclude that it would not

1 appropriate in this instance to include a hard shoulder or necessary to
2 include any additional safety measures over and above the ones that I've
3 just outlined there.

4 MR YOUNG: I know it's had a lot of press, but the stopped vehicle detection has
5 been the subject of a lot of controversy in recent years, and [inaudible]
6 bring this up, but I do have personal experience of this on the M6 of
7 driving along one night and the inside lane wall's closed off on the gantry
8 signs, and then half a mile down the road, there was a vehicle stuck in
9 the third lane. I don't know whatever happened that night, but it just
10 struck me there were real flaws with the system then. Have there been
11 any improvements in recent years to it, because it has had its problems,
12 hasn't it?

13 MR COOK: Yes. David Cook on behalf of the applicant. So yes, a huge amount
14 of effort has gone into the development of stopped vehicle detection, and
15 it is subject to annual reporting at the moment and further reporting is
16 imminent, but it's absolutely fair to say that a huge amount of effort has
17 been put into that system and enhancing that system, and just to also
18 add that that system will continue to be enhanced as further
19 developments come forward and in the time we have available to
20 developing the Lower Thames Crossing.

21 MR YOUNG: You didn't say anything about speed cameras and that type of
22 thing. Would we expect to see those of the type that we all love and
23 enjoy on other parts of the network?

24 MR COOK: David Cook on behalf of the applicant. Yes, a key part of the
25 implementing overall mandatory speed limits, as I outlined earlier, is that
26 we have enforcement that works alongside that. So yes, enforcement
27 would be part of the package.

28 MR YOUNG: Can I just ask a question about – just going back to the A-road
29 thing, one of the issues that's been raised in representations – and it may
30 be a question, actually, for one of your colleagues – but the modelling
31 work that was done to support the scheme, did that model the LTC as a
32 motorway or as an all-purpose trunk road? There's been a suggestion
33 on some of the relevant representations that it was modelled as a
34 motorway.

1 MR LATIF-ARAMESH: Hi there. Thank you for that question. Mr Latif-Aramesh
2 on behalf of the applicant. I think at this point, we'll hand over to
3 Professor Bowkett.

4 PROFESSOR BOWKETT: Helen Bowkett for the applicant. So the Lower
5 Thames Crossing has been modelled as an all-purpose trunk road. I
6 believe that the cause of the confusion has arisen in the texts that we've
7 provided in the combined modelling and appraising report, appendix D –
8 the economic appraisal report APP-526, where we describe how we've
9 applied the accident appraisal using the COBALT software.

10 Now, the COBALT toolkit that is prescribed by TAG as the way for
11 doing the measuring and valuing the accident benefits and disbenefits,
12 is quite an historic piece of software and it has within it a prescribed set
13 of road types with the accident rates that get used in the software, and in
14 our professional judgment we had to consider – of the very limited set of
15 road types and accident rates that are available to us, which would be
16 the most representative to use for the Lower Thames Crossing in the
17 accident appraisal, and based on the fact that the road would have
18 prohibited traffic – so it wouldn't have slow-moving traffic – that it would
19 have segregated junctions, and the distance of the junctions under
20 decisions taken to use the motorway accident rate provided in COBALT
21 for that assessment.

22 MR YOUNG: Right, okay, so it related just to the accident appraisal side of the
23 modelling.

24 PROFESSOR BOWKETT: Helen Bowkett for the applicant. Yes, and I wanted
25 to be very transparent in everything that we had done in the appraisal,
26 so that's why we wrote about it in the report.

27 MR YOUNG: Thank you. That's helpful. Has the applicant got any more to say,
28 or had you wound up at that point? I'll open it out to the floor if that's...

29 MR LATIF-ARAMESH: Thank you, sir. Mr Latif-Aramesh for the applicant. We
30 didn't have any further comments.

31 MR YOUNG: Right. Let me just check with the panel, then. Does anybody in
32 the panel want to ask questions before we go to the floor?

33 MR SMITH: Certainly. Thank you, Mr Young. There was just one point that I
34 wanted to check, and it may well be a matter where the applicant can

1 make a detailed response in writing at deadline 1 rather than at this point.
2 However, in relation to the operation of the tunnel element of the scheme,
3 I was just making a merely anecdotal observation that a reasonable
4 number of dual carriageway tunnels, even all-purpose trunk roads, do
5 seem to operate with essentially a range of traffic restrictions that are
6 designed to have the effect of essentially limiting the traffic usage of the
7 road to an equivalent to a motorway. My understanding is that's done in
8 order to reinforce safe operation of the tunnel.

9 Now, an example that just springs to mind is – so for example, the
10 M23 triple-bypass Southwick Hill tunnel – where there are restrictions on
11 traffic equivalent to a motorway in operation, despite the fact that that is
12 otherwise an all-purpose road. Where are we going in relation to this pair
13 of specific tunnels between the two intersections where the only option
14 is to pass through a tunnel? Are we likely to see restrictions in this case?

15 MR LATIF-ARAMESH: Thank you, sir. Mr Latif-Aramesh for the applicant. I
16 think I'll just make two preliminary remarks. One of them is to agree with
17 what you've said, which is there are often restrictions like the ones
18 proposed on the A122 on other all-purpose trunk roads, and that is itself
19 is a feature of the standard Mr Cook referred to – so that's GD300 – and
20 that's why it's commonplace. I will also just agree with the other comment
21 you've made that the purpose of these restrictions is to reinforce the
22 safety, to prevent overtaking, but also slow-moving vehicles, which would
23 encourage lane-changing. I'm just going to hand over to Mr Cook to deal
24 with the second part of your question on the sections leading up to the
25 A122 and whether those have restrictions. Apologies, can I just have a
26 moment to confer? Thank you.

27 MR YOUNG[?]: By all means.

28 MR LATIF-ARAMESH: Thank you, apologies for that. I'm just going to hand
29 over to Mr Cook.

30 MR COOK: David Cook, on behalf of the applicant. So yes, just building on that
31 point around – obviously, we have those restrictions for safety, and we
32 would adequately sign all those restrictions on each and every access
33 point to the road to ensure that all road users had clear and

1 understandable signage to prevent them entering a part of road that was
2 restricted or inappropriate for them to enter.

3 MR SMITH: We may need to follow up on that, but over to you, Mr Young.

4 MR YOUNG: Mr Pratt? Just unmute yourself.

5 MR PRATT: Thank you very much. I'll get used to this eventually. Ken Pratt,
6 panel member. I was interested to hear your – the applicant's definition of
7 why this is an all-purpose trunk road, and one of his suggestion was it was
8 delivering to an A road rather than anything else. As you can tell by my
9 accent, I'm quite used to the M6 going on to the A74, but with the questions
10 that some of the relevant reps that have come in, regarding the questions
11 over the modelling, what changes would the applicant expect to need to
12 see to change it from an all-purpose trunk road into something else? Are
13 we talking about purely numbers of vehicles, or is there other aspects that
14 you would expect to be – to take into account as well? And if necessary,
15 it might be the response – you might have to respond in writing rather than
16 an off the cuff remark at this present moment in time.

17 MR LATIF-ARAMESH: Thank you, sir. Mustafa Latif-Aramesh for the applicant.
18 I think we'll take that away and respond in writing, if that's okay.

19 MR PRATT: I'm content with that if the rest of the panel is.

20 MR LATIF-ARAMESH: Thank you, sir.

21 MR YOUNG: Right, just looking round the room, does anybody have any
22 questions? Okay, we've got some hands going up. Let me go to Thurrock,
23 first.

24 MR EDWARDS: Thank you, sir. It'll be Dr Black who'll respond to this agenda
25 item on behalf of Thurrock Council.

26 DR BLACK: Colin Black of Thurrock Council. We note a key scheme objective
27 is to improve safety. We are concerned that this key objective is not borne
28 out by the accident and economic analysis submitted by the applicant,
29 which shows that the scheme will increase the number of casualties. The
30 applicant, in fact, predicts that this scheme will mean 26 more people are
31 killed, and 182 more people are seriously injured within the design
32 assessment period. The council is concerned that the scheme adopts
33 many elements of so-called smart motorway design, and we are unclear
34 which elements of smart motorway design are considered appropriate for

1 adoption on this scheme, and the extent to which these so-called smart
2 motorway design features may contribute to the predicted increase in
3 casualties.

4 Furthermore, we're seeking clarification as to why the
5 government's safety concerns that led to the recent cancellation of the
6 smart motorway programme are not considered appropriate for this
7 scheme. The council remains concerned that the narrative provided by
8 the applicant to date on the applicability of design standards and safety
9 matters has been confusing and inconsistent throughout the consultation
10 period, and evidently remains so now. Thank you.

11 MR YOUNG: We did hear from the applicant, and he did set out what the – what
12 features were being incorporated into the design. Which one of those – or
13 which of those – do you have specific concerns about, then? Because
14 they've already been set out. We had lane control signs, stop vehicle
15 detection, enforcement, so can you be a bit more specific about what
16 concerns you have?

17 DR BLACK: In particular related to the provision of hard shoulder and the
18 variable[?] message signing.

19 MR YOUNG: Okay. Right, let me just take a few more and then we'll give the
20 applicant opportunity to respond. Ms Dablin, we'll go to you next. Then
21 I'll come to you, Ms Blake.

22 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. Just a small point,
23 when reviewing the application documents, Port of Tilbury have not
24 identified any plans for the evacuation of the Lower Thames Crossing
25 Tunnel once it's operational, and given the proximity of the north portal to
26 the Port of Tilbury and what has been designated the Freeport, the Port of
27 Tilbury considers that it's something that needs a little bit more
28 consideration. It's something that we are looking to ensure that the
29 evacuation protocols dovetail with those of the port, so I'm just putting a
30 marker down that that is – so it's on everyone's radar. Thank you.

31 MR YOUNG: Thank you. Ms Blake?

32 MS BLAKE: Thank you very much sir. Laura Blake, Thames Crossing Action
33 Group. Just a few comments to make on the smart motorway by stealth
34 aspect of this project. Firstly, throughout the process of consultation, the

1 route was actually referred to as a motorway until smart motorways started
2 getting bad press, at which point it was referred to as 'an express way', 'a
3 road', or simply just 'the project'. Also, when we had questioned about
4 provisions for, options for, cycle connections and services – as similar with
5 the Dartford crossing where a free cycle option is available – we've been
6 told it's not possible, and it's not relevant because it would be connecting
7 a motorway to a motorway with the LTC. So I find it strange that it's now
8 being referred to as an all-purpose trunk road if they're saying on one hand
9 that it's connecting a motorway to a motorway, and where the LTC meets
10 the A2 to the south of the route, it would actually be the M2 if you were
11 turning coastbound, extremely soon if not directly.

12 And also, a large amount of the traffic that would be using the LTC
13 would likely be journeys that are longer journeys, that are actually starting
14 off on motorways coming up maybe the M20 from the ports and heading
15 through to the Midlands and beyond. So whilst they may call it a fill in
16 road, surely it is actually part of a longer motorway journey. And then to
17 just top that off, when you look at the 7.7 combined modelling and
18 appraisal report transport forecasting package APP, paragraph 6.2.3
19 actually refers to the road as being coded as a three-lane motorway, with
20 the exception of the southbound carriageway between the M25 until just
21 past the A13. I'm a little bit puzzled – as are many people – and concerned
22 over the fact that this road is being disguised as an all-purpose trunk road
23 when the reality is it's being coded as a three-lane motorway. Thank you.

24 MR YOUNG: Thank you. Okay, does the applicant want to come back on those
25 points?

26 MR LATIF-ARAMESH: Thank you, sir. Mustafa Latif-Aramesh for the applicant.

27 We'll address the points that have been raised first by Thurrock. So first,
28 on the number of the number of accidents, we'd refer to paragraph 9.3.7
29 of the transport assessment, which is application document APP 529,
30 which sets out how, on a per kilometre travel basis, the accident rate
31 drops. In relation to which features are included for the proposed A122,
32 to reiterate, there are no features of a smart motorway. There are features
33 which are associated with an all-purpose trunk road, and you've noted that
34 those were set out by Mr Cook earlier in his submissions. On the Port of

1 Tilbury's comments around evacuation, I think we just refer to a design
2 principle, which is included in the design principles document at 9.24,
3 which is – sets out the requirement for points suitable for initial mustering
4 of tunnel evacuees, including safe access routes, in the vicinity of the
5 tunnel portal area. So we think that addresses that comment.

6 On the comments that were raised around references to the Lower
7 Thames Crossing being a motorway, Professor Bowkett addressed one
8 element of that earlier in her submissions, but it's also worth saying that
9 the government and the applicant have obviously been reviewing the
10 position, and the position which is included in the application is that the
11 A122 is an all-purpose trunk road, for the reasons that were set out by Mr
12 Cook. I think that's all we have to say at this point on the submissions that
13 have been made.

14 MR YOUNG: Thank you, Mr Latif-Aramesh. Okay, wary of going round and
15 round, but I do have a hand up from Ms Blake. Ms Blake, just quickly.

16 MS BLAKE: Thank you, sir, certainly. Laura Blake, Thames Crossing Action
17 Group. Sorry, so I've just missed if there was any clarification on that
18 mention that the road is actually coded a three-lane motorway. I didn't
19 hear any clarification. Could we expect that in writing, or...? Thank you.

20 MR YOUNG: Does the applicant want to respond? We will have that in writing,
21 a response on that point, will we?

22 MR LATIF-ARAMESH: Sir, Mustafa Latif-Aramesh for the applicant. Conscious
23 that you didn't want to go round, we're more than happy to provide that in
24 writing.

25 MR YOUNG: Okay, thank you.

26 MR SMITH: Thank you. Mr Young, if possible, there's just one point that I was
27 going to refer back to. Alison Dablin, of Pinsent Masons for the Port of
28 Tilbury, London Ltd – although the point relates to other port facilities as
29 well, so it could possibly be relevant to London Gateway, and possibly
30 indeed even to the Port of London Authority. And this is to look at this
31 question about the relationship between safety/evacuation plans and their
32 implications for the operation of the road itself, and their implications for
33 the operation of other major facilities closely reliant on, or within a short
34 radius, of relevant junctions on the road. I think it would assist the

1 examining authority to understand the point that the Port of Tilbury are
2 making if they could put something in at deadline 1 that explains,
3 essentially, how their existing emergency management system works, and
4 what implications it has for the operation of the surrounding highway
5 network, and could potentially have for the operation of the proposed
6 Lower Thames Crossing.

7 Once we've got that in at deadline 1 – and as I say, that's an open
8 invitation to any other port/major logistics facility – what that would then
9 provide is an opportunity for, at deadline 2, the applicant then to respond
10 to the obvious supplementary question, which is, 'Well, how do we deal
11 with – if those implications are anything other than ordinary for the
12 operation of the road and the tunnel, how do we deal with them?' So we'll
13 try and capture that in our action list.

14 MS DABLIN: Thank you, sir. That's certainly something we'll take away and
15 consider, and confirm in writing the extent to which we can answer these
16 points, bearing in mind that certain amounts of confidentiality will inevitably
17 apply to emergency evacuation protocols in respect of a secured area.

18 MR SMITH: Indeed, and we're not asking you to necessarily show us the within
19 secure perimeter side of this. We're just interested in what happens in
20 relation to you going into an emergency state in terms of the implications
21 of that on the operation of the highway network.

22 MS DABLIN: Understood, thank you.

23 MR YOUNG: Mr Shadarevian.

24 MR SHADAREVIAN: Sir, I realised my mic was off. I'm so sorry. We will do
25 exactly the same, and try and assist you by the 18th on that particular issue.

26 MR YOUNG: Thank you.

27 MR SMITH: Thank you very much.

28 MR YOUNG: Right, do we have anything further, then, before we move on? No.
29 Okay, in that case I'll hand over to my colleague, Mr Ken Pratt.

30 MR PRATT: Good afternoon everybody, Ken Pratt speaking. Right, it's now my
31 turn to go through item 4(e) which is really a general item about routing
32 and intersection design, and the processes. What consideration has been
33 given to the proposed alternative routes? And I know we've talked a little
34 bit around the different possibilities earlier on today, but it's more the

1 alternative routes and alignment design mitigations at those pinch points,
2 specifically in the land between North and South Ockendon, at Baker St
3 where there's been a number of people suggesting that it's very close to
4 the existing properties, and between the hamlets of Thong and Riverview
5 Park. Would the applicant like to come back with that one, please?

6 MR HENDERSON: Thank you, sir. Tom Henderson, again, for the applicant. Sir,
7 the development of the alignment through the pinch points that you've
8 referred to, we've interpreted that in two stages. Firstly, a regional
9 consideration of the of the alignment, which culminated in the preferred
10 route announcement in 2017, and I'll shortly hand over to Dr Wright to
11 address you on that matter. And then secondly, there was then a detailed
12 assessment which led to the exact alignment set out in the application
13 documents, and for that I'll pass you over to Mr Steve Roberts who's the
14 design and engineering director at the Lower Thames Crossing. So if I
15 can invite Dr Wright to respond on that first point.

16 DR WRIGHT: Thank you, Dr Wright for the applicant. So the first part of this
17 covers the selection of the preferred route. As required by the national
18 policy statement for national networks, paragraph 3.3, 4.11, 4.26 and 4.2,
19 we need to undertake an options appraisal process in developing the
20 alignment for the scheme. This is set out – just to give you some
21 references to look at – in the planning statement chapter 5, project
22 evolution and alternatives, application document 495, and in the chapter 3,
23 assessment of reasonable alternatives, application 141. So the early
24 development of the Lower Thames Crossing involved a detailed options
25 appraisal, and between 2009 and 2017, a series of corridors were
26 considered, narrowed down into defined potential routes through a
27 process of study and consultation. As part of this process, corridors were
28 located both east and west of the proposed alignment, and they were
29 considered and discounted.

30 By 2016, the options had been narrowed down, and four alignments
31 were set out at consultation, alongside information on the process and all
32 of the routes that had been considered up to that point. These included
33 crossing the river Thames at the current location, which historically was
34 referred to as location C, and at Dartford, which was referenced as

1 location A. At location C, there were three potential alignments north of
2 the river Thames, which were referred to as routes 2, 3 and 4, which
3 converged on a single crossing and then diverged onto two alignments
4 south of the river, referred to as the eastern-southern link and the western-
5 southern link. At Dartford, a single alignment was considered, referred to
6 as route 1.

7 So each of these routes was considered in turn for their different
8 impacts on communities and the environment. For example, the pinch
9 point between North and South Ockendon and at Baker St would have
10 been avoided by selection of routes either 1 or 4, simply as the route did
11 not pass through this area. The pinch point between the hamlet of Thong
12 and Riverview Park would have been avoided by the eastern-southern link
13 for the same reason. However, while these pinch points would have been
14 avoided, each of these potential alignments brought with them other
15 issues and other pinch points which brought their own community and
16 environmental impacts. Detailed explanations of why these routes were
17 not selected as the preferred route by the Secretary of State in 2017 are
18 set out in chapter 5 of the planning statement that I referenced earlier.

19 Fundamentally, the alignment that was selected by the Secretary of
20 State on the grounds that only a new crossing at location C satisfies the
21 transport scheme objectives. Route 3 provides the most direct route with
22 the lowest environmental and community impacts north of the river, and
23 that the western-southern link would achieve the transport and economic
24 objectives whilst having a material lower impact than the eastern-southern
25 link on the environment and communities. So that sets out the big position
26 that gets us to the alignment that we have today, but that then needed to
27 be developed in further detail, and I'll refer back to my colleagues for more
28 information on that.

29 MR PRATT: Thank you.

30 MR HENDERSON: Thank you, Dr Wright, so I'll now pass over to Mr Roberts to
31 provide some evidence in relation to the more localised and detailed
32 considerations that were given.

33 MR ROBERTS: Good afternoon, Steve Roberts for the applicant. So as Mr
34 Henderson says, I'm going to set out the more localised considerations

1 that we've made for the route alignment following the preferred route
2 announcement. So if I may just start with some overarching, generic
3 principles that we have adopted, which is firstly the need to take account
4 of existing constraints and conditions. Obviously minimising
5 environmental impact and impacts on local communities, land and
6 property, minimising impacts on physical constraints, including local road
7 network, railways, rivers and existing utilities, working with the existing
8 topography, and understanding and taking account of existing ground
9 conditions. So they were the existing constraints which helped guide us
10 with the precise alignment that we took for the Lower Thames Crossing.
11 The second part to that is application of relevant standards within the
12 design manual for roads and bridges applicable for an all-purpose trunk
13 road, and central to that is designing for safety and designing with future
14 operation and maintenance in mind.

15 So turning now to the three specific pinch points that you reference
16 in your question, and if I may just make reference to application document
17 17, gen arrangement plans, and application document 16, APP-016 with
18 017, the three pinch points which you have identified in your question. I'll
19 take each in turn, starting with the North and South Ockendon area. So in
20 this area, we've sought to align the route to lie approximately equidistant
21 between the communities of North and South Ockendon, avoiding North
22 Ockendon conservation area and the associated listed buildings. An
23 important consideration in this area, too, is the vertical alignment of the
24 Lower Thames Crossing, and we've sought here to utilise false cuttings
25 where this can be beneficial in helping to mitigate the lower Thames
26 Crossing and screen the road. In this location, we've also sought to
27 minimise the impact on the environmentalist sensitive areas of the
28 wilderness. To the north, the consideration is the tie into the M25, and
29 avoiding the Upminster and West branch railway, and finally seeking to
30 avoid the Ockendon landfill site. So those are the site specific
31 considerations that we took into account: the alignment between North and
32 South Ockendon.

33 Turning to Baker St and the A13 junction, the tie into the A13
34 junction is important to achieve the required connectivity, which I might

1 come on to in response to your next question. The A13 junction location
2 is restricted by the geometry of the existing junction connections, and that
3 was a key consideration in how we tied in Lower Thames Crossing at that
4 point. We've also sought to avoid specific heritage assets in this area,
5 most notably the Baker St Windmill which is a grade II listed property.

6 Moving on to location 3 which is between Thong and Riverview
7 Park, similar to Ockendon, we have sought to align Lower Thames
8 Crossing to lie approximately equidistant between the communities of
9 Thong and Riverview Park, importantly avoiding the Thong conservation
10 area and associated listed buildings there. There's a need to tie into the
11 A2 junction to the south, and to the north to the southern tunnel portal,
12 which was positioned to minimise the impact on the Thames Estuary and
13 Marshes Ramsar site. And finally in this area, taking into account the
14 topography and the need to tie into the tunnel means that this section of
15 route is in a deep cutting, and it therefore provides some mitigation through
16 means of a vertical separation of the route and the communities of Thong
17 and Riverview, and that concludes my points on this particular question.

18 MR PRATT: Thank you very much. I think, for simplicity's sake and as you
19 suggested, the questions one and two in this block seem to be linked. So
20 what I would like to do is I will ask you the second question, and then I'll
21 open in for further debate once you have – once we've heard your
22 response to the second – what I would almost class as part of the question,
23 which is what the consideration is being given to the land take at the
24 intersections, whether alternatives to that connectivity requirement that
25 you said for an all-directions slip road model, particularly at Baker St, and
26 obviously Shorne A2/M2. What alternatives have been considered? I
27 suppose are all directions to all directions outcomes needed at these
28 intersections? What's the rationale behind it? Could some of those slips
29 be removed to try and reduce some of the land take? And could it be
30 feasible to incorporate roundabouts rather than the straight slip road
31 connections?

32 I'm going to add a little bit in on this; you made the comment that
33 there was the grade II windmill being protected at Baker St, but there are
34 a number of buildings in that area which are – have got heritage grades

1 on them, which your current proposals seem to be suggesting need to be
2 taken away. So it would be interesting to find why the – why protect one,
3 and another location should protect the heritage designations, but at Baker
4 St there are a number that can go? Mr Henderson, would you like to come
5 back – come on for this one, please?

6 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. Again,
7 this is a question that will be responded to by Mr Roberts, so I'll pass over
8 to him. Thank you.

9 MR ROBERTS: Thank you, sir. Steve Roberts for the applicant. So if I may, I'll
10 take your question in two parts; firstly, responding to your point about the
11 connectivity that we sought to provide at those junctions, and then
12 secondly, your question about the junction type and whether another form
13 of junction would be more preferable. So in terms of land take and
14 connectivity, the land take at the junctions is a function of the connectivity
15 required and the type of junction used, and the connectivity is
16 predominantly based on forecast traffic flows, and what we're seeking to
17 do is to maximise the benefits of the scheme by minimising journey times,
18 whilst seeking to minimise impacts. We're also seeking to balance the
19 need to maintain the strategic nature of the Lower Thames Crossing whilst
20 ensuring adequate connectivity for more local journeys.

21 So in terms of the connectivity at specific junctions, the tie in of the
22 Lower Thames Crossing to the A2, as you note, this is an all-movements
23 junctions. At the A13, this is – we're not proposing an all-movements – as
24 you refer to, all directions to all directions junction, as some of these
25 movements are not required. The connectivity between the Lower
26 Thames Crossing and the A13 provides east-facing slip roads, and these
27 links are essential for traffic wishing to connect between Kent and East
28 Thurrock and Essex, including London Gateway Port. This traffic,
29 predominately, is the A13 at present, connecting to the M25 at junction 30,
30 and because there will be a substantially lower demand for traffic from
31 Grays and Tilbury west of the project due to the proximity of the Dartford
32 Crossing, no free-flowing, west-facing connections are provided between
33 Lower Thames Crossing and the A13. So we haven't sought to provide
34 all-movements at the A13 junction.

1 At the A2 junction, as you noted, it is an all-movements junction that
2 we propose, with free-flow slip roads. The predominant movement, of
3 course, is to and from Lower Thames Crossing and the A2 to the east.
4 However, the connections to the west are also important to facilitate local
5 access from Gravesend, and hence my earlier point about the need to
6 maintain a balance between the strategic nature of Lower Thames
7 Crossing and ensuring adequate local connectivity. So that concludes my
8 points on connectivity.

9 If I just make some points on junction types – and you ask in your
10 question have we considered roundabouts. So just to set out the
11 considerations that we have made for the type of junction that we provided,
12 very obvious first point is the capacity that junction can provide. The very
13 simple at grade – and by that I mean at the same level priority junction –
14 would have considerably less capacity than a grade-separated, links at
15 different levels junction, so the capacity is an absolute crucial part of the
16 decision-making process. An understanding of the detailed origin
17 destinations of journeys is also key, as are physical and environmental
18 constraints, and one example at the A2 junction is that we're quite heavily
19 constrained by High Speed 1 to the south. And then compatibility of the
20 chosen junction type with the wider strategic road network is an important
21 consideration, as is the chosen junction type and compatibility with Lower
22 Thames Crossing being an all-purpose trunk road.

23 The land take, or the footprint, and the scale of junction will be
24 significant even with a roundabout option, as can be seen with the existing
25 M25 junction 2, and the existing A2 joins the M25 where a multi-level
26 roundabout junction is augmented by free-flow slip roads to and from the
27 A2. Generally, you'll see in our design that we have provided free-flow
28 links, and that this is to minimise journey times, maximise economic
29 benefits, and again, that's informed by the traffic modelling. So in
30 summary, we believe we've provided suitable arrangements, both in terms
31 of connectivity and junction types, to seek to maximise the project scheme
32 benefits whilst minimising the impact on land, and that concludes my
33 remarks on that question.

1 MR PRATT: So am I right in saying that in response to the last part of my
2 question – which was based on the heritage assets – that the benefit of
3 vehicles moving quickly along the round is in preference – has – is enough
4 to support the windmill being saved, but the other items within that area
5 are thought to be secondary? Or are they – is there another analysis that
6 you've undertaken to determine which can be removed, and which should
7 be saved?

8 MR HENDERSON: Tom Henderson for the applicant. If we might have a
9 moment just to confer amongst ourselves as to who's best placed to
10 address you on this point, because it spans across environment and
11 planning statement matters. I mean I will say that we've certainly given
12 very careful consideration to heritage impacts, and the balance of that as
13 opposed to the delivery of the requirements of this scheme, but let me just
14 confer with the team, see if we can give you a –

15 MR PRATT: Mr Henderson, if you wish – you can return with a written answer if
16 you wish. That way, we – because I am conscious that it's not 3.20 and it
17 might be a case of moving on to other items in the agenda so that we can
18 – if you want to go away, discuss and write something back to us, that
19 might be the way to deal with this particular matter.

20 MR SMITH: And to assist there as well, I mean I will frame here that we are very
21 much in the helicopter view in this hearing, and there are tendrils in nearly
22 all of these questions down into matters of detail, some of which are going
23 to get picked up in the written stream through our first written questions,
24 and some of which are going to fall to subsequent issue-specific hearings.
25 So we don't have to solve all parts of the equation today, but yeah, no Mr
26 Pratt's suggestion, I think, is a very useful one.

27 MR HENDERSON: Thank you. Tom Henderson for the applicant. We're very
28 happy to do that, and we'll point you to where that's dealt with in the
29 application in writing.

30 MR PRATT: Thank you very much. In that case, I'll go onto the next question. I
31 will actually say, before I start, that at this stage, we want to get as – hang
32 on. I'm going ahead of myself. What I should really be doing is asking
33 everybody, or anybody, who would like to make a comment on what – of
34 the recent couple of questions before we go on to a slightly different topic.

1 On the simple answer that the first hand up was Ms Blake, would you like
2 to...

3 MS BLAKE: Thank you very much, sir. Laura Blake, Thames Crossing Action
4 Group. I would just like to comment –and I am going to try to remain calm
5 even though this is a very emotive topic – the mention of the wilderness
6 being avoided in the route alignment is absolutely ludicrous. I'm sorry; I
7 know we're not meant to go into the actual merits. For the benefit of
8 anyone who isn't aware, the wilderness is actually a privately owned
9 woodland. It is what we consider to be ancient. We managed, as a local
10 community action group, to find evidence dating back to 1767, which was
11 further than the applicant managed to go back, so we're not convinced
12 they've put in the effort required for that. It's definitely a new, long-
13 established woodland, and the route actually destroys the oldest part of
14 that woodland if it goes ahead as proposed, and it was moved to that
15 alignment to avoid a nearby landfill, which we assume is because it was
16 easier and cheaper. We're talking about a historic landfill of not only
17 environmental value, but also was the home of Sir Richard Saltonstall, the
18 Lord Mayor of London in the 1500s. So I'm sorry; I have to mention that.

19 MR PRATT: Thank you. It's probably going to end up as another discussion, but
20 thank you for bringing that to our attention. If I may, can I go next – as I
21 say, I'm just doing this purely on who was quickest – Thurrock Council,
22 please.

23 MR EDWARDS: Thank you, sir. It will be Dr Black that will respond to this
24 agenda item on behalf of the council.

25 DR BLACK: Colin Black on behalf of Thurrock Council. A few points to make:
26 the council has sought for the LTC route to be designed such that the
27 layout between North and South Ockendon does not preclude the future
28 creation of an interchange at location, and we remain concerned that
29 appropriate safeguarding is not written into the control documentation.
30 The proposed Lower Thames Crossing junction arrangements
31 incorporate, as part of the design, Thurrock Council local highway network
32 at and around Orsett Cock junction. Part of the local road network at the
33 A13 to the Orsett Cock junction was recently upgraded by the council at
34 substantial cost. The applicant is proposing the use the capacity provided

1 at Orsett Cock junction as part of its LTC scheme. From opening, the
2 applicant's modelling shows long queues and persistent congestion at this
3 location. This is what the applicant prefers to refer to as 'slow moving
4 traffic'. We are concerned that the applicant has been unable to put
5 forward any modification that would relieve this traffic congestion. The
6 LTC scheme will use all available local road capacity at Orsett Cock. It
7 places the burden, instead, on the council to remedy the serious traffic
8 congestion issues that the applicant has identified in its operational traffic
9 modelling, but we know has yet to share with the examining authority.

10 The council has continued to raise concerns about the lack of
11 adequate alternative option appraisal at this junction. An analysis
12 undertaken by the council suggests that, in fact, there are alternative
13 design options that would provide a better balance between strategic
14 benefits and local harm in Thurrock. The council is concerned that the
15 proposed LTC design does not provide adequate provision for port access
16 and for future access to industrial and employment uses. Of particular
17 concern is the removal of the Tilbury link road from the scheme. The
18 applicant states in its planning statement, APP-495, that the Tilbury link
19 road is not included as part of LTC because the road would not contribute
20 to the scheme objectives. We do not believe this position is substantiated
21 by the modelling provided to the council, which in fact demonstrates
22 significant benefits for alternatives incorporating the Tilbury link road,
23 including the potential to significantly reduce the need for land around the
24 A13/A1089 LTC intersection incorporating Orsett Cock. Thank you.

25 MR PRATT: Thank you very much. You were beginning to move a little bit into
26 the next question, so...

27 MR YOUNG: Mr Pratt, if I could just on Orsett Cock – it is something that had
28 been raised. It is on our radar; make no mistake of that, and I think it's
29 highly likely that we're going to have to see some additional information
30 coming forward from the applicant in relation to fine grain modelling
31 analysis of how that junction is going to operate. So I just want to make
32 that clear, and undoubtedly this will be one of the issues that we pick up
33 in the traffic and transportation hearing that we're going to have in due
34 course. I just want to say that.

1 MR PRATT: Thank you very much, Mr Young. Ms Dablin, you're up next.

2 MS DABLIN: Thank you, sir. Alison Dablin for the Port of Tilbury. I appreciate
3 that quite a lot of points are going to be – come up in the next agenda item
4 point. We just wanted to say that the Port of Tilbury is not currently
5 convinced that the A13 junction currently, as designed, performs to the
6 level that is required, where there is no direct connection to the A1089
7 southbound to the Port of Tilbury in the absence of the Tilbury link road,
8 and I'll explain more about the Tilbury link road, I'm sure, in the next
9 agenda item. Thank you.

10 MR PRATT: Thank you very much. Mr Douglas?

11 MR DOUGLAS: Good afternoon, sir. Daniel Douglas, London Borough of
12 Havering. It was really just to flag up to the panel, in relation to the element
13 of the question that concerned the alignment, particularly between North
14 Ockendon and the South Ockendon area, it was really just to make the
15 panel aware that Havering will be providing detailed comments from our
16 perspective on that part of the alignment is our local impact report. In
17 particular, we'll be raising matters in relation to the M25 construction
18 compound that's sited just to the north of the road and to the south-west
19 of the North Ockendon conservation area that was referred to earlier, and
20 also matters in relation to sites of interests and nature conservation,
21 particularly the North Ockendon Pit and the 7.3% temporary irreversible
22 loss of that site as a result of the compound, and also matters in relation
23 to how the compound layout can be maybe better set out to minimise the
24 impact of the compound on residents in the North Ockendon area, but also
25 raise some issues around archaeological matters in the area as well.
26 Thank you.

27 MR PRATT: Thank you very much. Mr Bedford, from the Gravesham Borough
28 Council.

29 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council.
30 So starting with the remarks that Dr Wright made at the outset about,
31 effectively, the option selection process. So we're not currently persuaded
32 from what is set out in chapter 3 of the environmental statement – that's
33 APP 141 – that there's a coherent rational to explain the dropping of
34 option A in location A, and then the pursuit of option C in location C, and

1 we contrast table 3.4 of APP 141, where, in summary, essentially
2 location A doesn't have as many benefits, but it also doesn't have as many
3 disbenefits, and location C, it has more benefits but it also has much more
4 disbenefits. Okay, there is a judgement to be made there, but what we
5 find confusing and not adequately explained is it then tells us that in
6 3.8.2(a) that, well, actually location A is dropped because it doesn't meet
7 scheme objectives, and we find that to be somewhat inconsistent because
8 certainly in terms of economic and social impacts, A in table 3.4 would
9 seem to be passing muster. It just doesn't pass muster, perhaps, as well
10 as some other things, but as I say, it has less benefits – sorry, less
11 disbenefits.

12 Then the important point, obviously, is we then move to where
13 we've ended up. When you then do try to thread location C, option C,
14 through to connect the LTC to the A2, you have the pinch point that you've
15 obviously described, and you also have the complex junction arrangement
16 in order to accommodate movements to and from the LTC and the A2.
17 What we see, in a sense the constraints and the problems are because of
18 that original option choice, and we're not persuaded that option A should
19 have been discarded. Moving on to the position then that – where we now
20 are with the LTC A2 junction, whilst we do think it's a complex junction and
21 we do have concerns, particularly in terms of safety and ability of people
22 to fully understand that junction, we are very anxious that in a sense the
23 answer to that is not to reduce the local connectivity and access of that
24 junction, because we are certainly concerned to ensure that the A2
25 remains as an important route for local traffic, and also that the
26 connectivity benefits that would then be provided with a connection to the
27 LTC are not lost.

28 So although we recognise the problems, we're not, as it were, in
29 favour of what might be hinted in part of your question of, 'Well, would it
30 be made more simple if we removed some of the slip roads and some of
31 the connectivity?' Yes, it would be made more simple, but it would be at
32 the expense, we say, of local access. So those are our concerns.

1 MR PRATT: Thank you very much. I don't see any other hands from those
2 present, so Mr Henderson, would you like to comment on some of the
3 comments that you've heard and respond to some of the comments?

4 MR HENDERSON: Tom Henderson for the applicant. Thank you, sir –

5 MR SMITH: Mr Henderson, just very briefly I will interject before you start to
6 speak. There does seem to be a problem with the livestream. No, it has
7 been resolved. No, that's fine. You can proceed.

8 MR HENDERSON: Thank you. Tom Henderson for the applicant. Obviously
9 there was a large number of points raised there, and noting the nature of
10 this hearing and the time of the day, we propose to respond to most of
11 those in writing if that would assist. Just one point in response to the
12 submissions made by Gravesham there in relation to the option selection
13 of location C versus location A, just to draw attention to chapter 5 of the
14 planning statement which we've referred to throughout this hearing, that
15 also contains significant information and assessment of the choice of
16 options, and as Dr Wright alluded to – I mean he could only provide a brief
17 summary in this hearing, but there's a huge body of assessment work over
18 a number of years that led us to where we are today. That information is
19 cross-referenced in chapter 5 of the planning statement, in particular the
20 scheme assessment reports that were undertaken before and after the
21 options consultations which led to the preferred route announcement, so
22 we just wanted to draw attention to that, which sets out comprehensively
23 why location C was preferred over location A, and as I've said earlier, that
24 work has been backchecked at the point of submission of the application
25 to verify that it remains the right decision. So I just wanted to put that on
26 the record, thank you.

27 MR PRATT: Thank you very much. I will go on to the next question here, now,
28 as I was starting to allude when I decided to invite everybody to have their
29 say on the first two questions. At this point, what we're looking at is to get
30 a sense of the significance and scale of this issue. I'm almost certain that
31 the detail is going to be examined at a further issue-specific hearing, but
32 I'm just looking at the time, and at 3.35, I would ask that if the comments
33 are brought as – to give us an impression of the significance, rather than
34 the detail. So the question I'm going to go on to next is about the adequacy

1 of the provision made in the proposals for port access – and I’m aware that
2 people have already made comment on such – and for access to other
3 proposed and emerging business, industrial areas, employment areas,
4 and, I suppose, potential housing development as well. That’s really E3[?]
5 on your list. Mr Henderson.

6 MR HENDERSON: Tom Henderson for the applicant, thank you, sir. I’ll invite
7 Dr Wright to respond on this question, and note the steer you’ve given us
8 around summarising the positions in so far as we can.

9 MR PRATT: Thank you very much.

10 DR WRIGHT: Tim Wright for the applicant. As directed, I have a rather longer
11 response and will provide that in writing. However, to summarise, we do
12 consider that the proposals provide improved access for ports and other
13 employment uses in the area, and all those set out in the question, and
14 that provision by us we consider to be adequate. Just to expand a little bit
15 on that, we talk in our application about how two ports in particular will be
16 supported by the new design, including London Gateway Port and Port of
17 Tilbury, and I refer you to appendix C of the combined modelling appraisal
18 report, application 522, where we give tables of route-based journey time
19 comparisons between the Port of Tilbury, London Gateway and a series
20 of locations both north and south of the river, mindful that those ports have
21 also got a number of businesses associated in the area, that does go wider
22 than the port and to a broader business use.

23 Just to speak specifically to the provision in those areas, Port of
24 Tilbury will retain their existing connectivity on the road network, but
25 benefit from substantial relief. For traffic leaving the port, a new free-flow
26 route is provided from the A1089 onto the M25 via the LTC, supporting
27 traffic that would otherwise have had to navigate along the A13 and around
28 junction 30 of the M25. So whilst that provides access from the Port of
29 Tilbury to the north, that relieves the approach roads to the Dartford
30 Crossing. London Gateway also retain their existing connectivity on the
31 now less congested road network, but benefit from direct free-flowing lines
32 from the A13 on TLTC[?] northbound, and southbound from the LTC onto
33 the A13 and into the port. So overall, we do enhance and provide access

1 for employment and for those businesses, and we can obviously provide
2 more information of that as required.

3 MR PRATT: Thank you very much. What I intend to do here is I'm going to go
4 through the next couple of questions, because they're all to do with has
5 adequate provision been made for the provision of and the restoration of
6 community connections, and also – I'll deal with that one next and then I'll
7 follow that up with the connectivity for non-motorised users, and then I'll
8 open it to the floor after that, if I may. Mr Shadarevian, if it's something
9 that you wish to say just now, I will obviously let you in, but if it's something
10 that can be held on until after I've dealt with the other two questions, it –
11 can I leave it until then?

12 MR SHADAREVIAN: That's fine, sir. It can wait until then.

13 MR PRATT: Thank you very much. So as far as – so to the applicant, it's about
14 adequate provision being made for the community connections and the
15 restoration of any community connections, and obviously the provision
16 and restoration of them for non-motorised users. Mr Henderson, would
17 you care to provide some detail on those two questions at this stage?

18 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. I'll
19 address you on these matters, sir, and I think we can be relatively brief on
20 these ones. So firstly, in relation to your question on the provision of
21 community connections, our response there is that addressing severance
22 has been an important aspect of our project design. All local roads
23 severed by the Lower Thames Crossing would be re-provided with
24 grade-separated connections, with the exception of Hornsby Lane, and
25 that's the only one, for which access is provided via a short diversion route
26 to Stanford Road. In most cases, these re-provided local road links
27 include new or enhanced provision for walkers, cyclists and equestrian
28 users, and some of the re-provided local road links also include green
29 corridors to reconnect or enhance connections with ecological habitats.

30 So that's our response in relation to community connections, and
31 then moving on to the provision for non-motorised users, it's very much a
32 similar theme. The project has made provision for the restoration and
33 enhancement of existing public rights of way impacted by the Lower
34 Thames Crossing. In the majority of cases, existing routes will remain

1 along their current alignments, and where that's not possible, an
2 alternative route has been provided. Many new public rights of way are
3 also promoted by the project, which augment and enhance the existing
4 public rights of way network, and these have been identified through an
5 assessment of existing and potential user needs to inform the project
6 design.

7 In places where we have promoted some non-motorised user
8 routes that deal with historic severance, that opportunity's also been taken
9 up, and we've noted there've been a number of relevant representations
10 about the provision of non-motorised users,. So we just wanted to
11 emphasise at this stage that the application is very much in accordance
12 with national policy set out in the national policy statement for national
13 networks, the specific references being paragraphs 3.17, 5.184, 5.205 and
14 5.216. These policies point to a very strong expectation to mitigate
15 impacts on non-motorised users but, additionally and importantly, that
16 opportunities to improve access should be considered. Those are our
17 responses in relation to part 4 of this agenda item. Thank you.

18 MR PRATT: Thank you very much, Mr Henderson. It's at this point I will open it
19 to the floor, and I do recognise that Mr Shadarevian – I must apologise for
20 my pronunciation. If you would like to take the floor. Please take the floor,
21 Mr Shadarevian.

22 MR SHADAREVIAN: I can't get my camera to work, so bear with me. Sorry, can
23 you see me now, sir?

24 MR PRATT: Yes, in full glory.

25 MR SHADAREVIAN: Thank you. I'm doing this, as it were, flying from a
26 helicopter, so I'm going to be quite brief, but the points I have to make at
27 this juncture, recognising the role of this part of the proceedings, are very
28 important, nonetheless.

29 Sir, no one would dispute the importance of the smooth operation
30 of both the Orsett Cock and Manorway Junction for the unimpeded
31 operation of the port and logistics park. I'm certain I don't need to remind
32 you or your colleagues, sir, of their importance to the national economy,
33 and particular the emphasis that national ports places policy on the
34 resilience of our national ports and their operation. Now, sir, you will be

1 aware that national ports policy is in the process of being revised, and the
2 likelihood is that this emphasis will gain even greater weight because of
3 the emergence of the free ports and their importance to the UK's economic
4 future.

5 Against that background and in that context, it's important for the
6 panel, I think, to be satisfied as to whether or not impacts would occur at
7 these junctions, how often they might occur, the severity of those impacts
8 – not only on the safe and efficient operation of those junctions, but also
9 the attendant and consequential impacts on the port and the logistics park.
10 It will be important for the panel to consider whether these junctions have
11 been modelled appropriately and has the evidence upon which to make a
12 proper assessment. Apart from very strategic modelling, there is nothing
13 before the examination to show what those localised impacts might be,
14 and the LTAM modelling which has been referred to, which does take in
15 Orsett Cock, is of such a strategic level that it's completely irrelevant to the
16 issue of whether or not actually the localised impacts detract from the
17 overall benefits which the LTAM model predicts.

18 In that context, it's very important to understand what view the
19 applicant is taking and what it intends to do about it, given the timescales
20 involved in this examination, and the implications which it might have both
21 procedurally and for the form of the order, and I draw specific attention to
22 the possible impacts that they have on schedule 2 and part 1, because
23 clearly if harm is found, and depending upon the nature and the severity
24 of that harm, it will be necessary to consider the extent to which impacts
25 could or should be mitigated, and have regard to the limits of deviation any
26 required mitigation might be delivered, and what legal mechanisms will be
27 required to ensure that it is provided in a timely manner.

28 All of that requires sufficient interrogation of the evidence, but more
29 than anything else, that interrogation cannot take place unless the
30 evidence is before the examination. It is not at the moment. And if I can
31 also anticipate the next question, because it is actually linked, it could have
32 implications for the BCR because the project cannot be isolated from the
33 requirement for national port resilience. It is a very fundamental and
34 important consideration, and of course overall any such evidence could

1 have impacts for the environmental assessment and its competency. So,
2 sir, I'd like to draw your attention to those points at this stage of the
3 examination. Thank you very much indeed.

4 MR PRATT: Thank you very much. I think in this juncture I'll keep the ports
5 together, so to speak, and would ask Ms Dablin if she would like to come
6 to the floor at this point.

7 MS DABLIN: Thank you, sir. Alison Dablin for the Port of Tilbury. In terms of
8 the adequate provision for port access, we have two key strands of
9 concerns. The impacts that might occur during construction, and whether
10 or not access has been suitably built into the design of the project itself.
11 At a very high level, our concerns in relation to construction relate to the
12 Asda roundabout, which has been identified within the transport
13 assessment as a location where there will be additional delays on the
14 A1089, caused explicitly in one phase and implicitly in the remaining
15 phases due to project-related construction traffic – the affected phases
16 being phases three through seven inclusive, and I can provide you with a
17 full paragraph reference if that would assist.

18 MR PRATT: If you could drop it in your written comments that will come to us at
19 deadline one, I think, yes. So if you could do that, that would be lovely.
20 Thank you.

21 MS DABLIN: No problem at all. We will do that. So we have concerns about
22 congestion that has, in our view, not been fully considered, that would
23 result in the Asda roundabout being over capacity. As has been noted,
24 the resilience of the port is a key consideration, and the Port of Tilbury
25 currently has one access via the strategic road network, which is the 1089,
26 and therefore the Asda roundabout is very relevant.

27 MR PRATT: Just one question on that, you said Asda roundabout over capacity.
28 Do you mean under capacity?

29 MS DABLIN: We understand that the Asda roundabout is currently operating at
30 or very, very close to capacity, and that with new planning applications
31 coming forward in the area, National Highways is requiring them to do a
32 specific junction modelling assessment of their impacts on the Asda
33 roundabout, in order to identify if mitigation is required.

34 MR PRATT: Thank you very much.

1 MR YOUNG: Just to that point, Mr Pratt, can I just – and we mentioned Orsett
2 Cock roundabout earlier and the fact that there was going to be the need
3 for the applicant to submit further information to address some of the
4 comments. The same comments apply to that Asda roundabout and, if
5 anything just as pertinent in that National Highways have taken itself a
6 very stringent approach to any new development in and around that
7 roundabout in recent years, so it's only right what they've required of
8 others is what they submit with this application. We'll certainly want to see
9 some fine-grain junction modelling for that Asda roundabout, as well as
10 Orsett Cock.

11 MR PRATT: Thank you very much, Mr Young. Sorry, Ms Dablin, please
12 continue.

13 MS DABLIN: Thank you. The further consideration is in relation to just materials
14 handling. The Tilbury 2 has a construction materials aggregate terminal
15 located on Tilbury 2 that, should there be a firm commitment in the Lower
16 Thames Crossing to use the CMAT, it would greatly reduce the amount of
17 road traffic that would need to use the A1089 for construction and travel
18 through the port. Currently, the applicant has declined to make any firm
19 commitment, which in the view of the port is somewhat hampering the
20 ability to make forecasts and fully understand the impacts and have that
21 feed into the agreements and the arrangements.

22 In respect of the Free Port, we have a number of concerns that the
23 traffic forecasting that the Port of Tilbury has provided to the applicant for
24 the Free Port has not been taken into account at all. During construction,
25 this is on the basis that the traffic forecasting was for a date at which there
26 would be a fully operational Free Port, which would not coincide with the
27 construction of Lower Thames Crossing. However, with the two-year
28 delay to the start of construction, there is an increased likelihood of
29 interaction, and it is therefore disappointing that there has been no
30 assessment, not even to adjust the traffic forecasting numbers to allow for
31 the partial impacts of a partial interaction.

32 Finally, in respect of what is known as the Tilbury Link Road, this is
33 a road that was in an earlier iteration of the scheme and then removed
34 later, and I have every confidence that colleagues at Thurrock will raise

1 this in greater detail. In terms of the application as it has been submitted,
2 the Tilbury Link Road is not included. In terms of the legacy value of the
3 project, the Port of Tilbury are very concerned to ensure that, as a
4 minimum, the Lower Thames Crossing is constructed in a way that
5 enables the Tilbury Link Road to be brought forward in the future.
6 Currently, there is no requirement in the DCO for the Lower Thames
7 Crossing scheme to be designed in a way to accommodate and enable
8 the Tilbury Link Road.

9 It is the view of the port that in order to minimise the economic and
10 the environmental impacts, the roundabout, the junction immediately to
11 the north of the north orbital, must be constructed in a way that the Tilbury
12 Link Road can be brought forward at a later date without needing to make
13 substantial layout changes. We also have concerns to ensure that the
14 earthworks and drainage infrastructure needs to be designed in a way to
15 facilitate the Tilbury Link Road and future port development more
16 generally. This is something that we would also be looking to secure in an
17 agreement.

18 Finally, we are mindful that there is a haul road that the applicant is
19 planning to construct that – it forms part of the temporary construction
20 compound in this area and is shown on plans to take the approximate
21 alignment. It is the view of the port that there are significant benefits to
22 ensuring that the haul road is constructed in a way that it can essentially
23 form the basis of a later Tilbury Link Road, recognising however that it
24 does not currently form part of the application. It is the view of the port
25 that in order to avoid and minimise indirect negative effects and ensure
26 future mitigation, it is necessary to avoid the Lower Thames Crossing
27 being an impediment to bringing forward these known future projects. A
28 sort of ‘do it once’ approach. Thank you.

29 MR PRATT: Thank you very much. Mr Shadarevian, did I somehow cut you off
30 in your prime, because I notice you’ve still got your hand up? If I did, I
31 apologise.

32 MR SHADAREVIAN: No, no, please, it’s my apology. I forgot to lower my hand,
33 so I’ll do that now.

1 MR PRATT: Thank you very much. As I said earlier on, I'll ask the ports, so I
2 suppose, Ms Dillistone, have you anything to add to what's been said by
3 the other two representatives?

4 MS DILLISTONE: Thank you. Alex Dillistone for the Port of London Authority.
5 We do not have anything specific to add on road access to ports at this
6 time.

7 MR PRATT: Thank you very much for clarifying. The next person on my list is
8 Mr Bedford of Gravesham. If you would like to take the floor, Mr Bedford.

9 MR BEDFORD: Thank you, sir. Mike Bedford, Gravesham Borough Council.
10 Just two very short points and they are important but, given the time, I'm
11 not going to develop them. It's in terms of E, items 4 and 5, on adequate
12 provision for community connections and non-motorised user
13 connections. We do have some concerns that the proposals are not fully
14 thought through so far as construction impacts are concerned, particularly
15 in the vicinity of Brewers Road and improvement of the national cycle route
16 177, which effectively runs parallel to the A2 northbound. That's the point
17 where I explain more in our LIR, but we do have concerns on how
18 construction severance impacts on local communities. Thank you, sir.

19 MR PRATT: Thank you very much. In that case, I think we'll go through the
20 councils, so Thurrock Council, would you like to come to the floor?

21 MR EDWARDS: Yes, sir. Thank you, sir. If I can begin by briefly responding to
22 item 4(e)(iii) on the agenda concerning ports, and then I'm going to ask Mr
23 Bowers to address you briefly on item 4.

24 So far as item 3 is concerned, and in the interest of brevity, the
25 council supports what you have submitted on behalf in particular of DP
26 World London Gateway Port, in terms of the impact of the scheme as
27 currently proposed on the port, and also in large measure what is said on
28 behalf of the Port of Tilbury. The council at this stage aligns itself with
29 those comments. The council's opposition does go further in the sense
30 that – and as already rehearsed in what Dr Black said in response to the
31 earlier item – the council has concerns about whether there has been
32 proper, proportionate and objective assessment with regard to the Tilbury
33 Link Road, which was part of a proposal at an early stage.

1 At this stage, the council considers that that Link Road has not been
2 properly assessed and that, when properly assessed, its merits in terms
3 of both providing access to the ports and also relieving impacts on the
4 wider road network become compelling, and the council's position is that
5 it is necessary for provision of that nature to be made in order for the
6 proposal to be acceptable. And that is, at a very high level or helicopter
7 level, the council's position in respect of this particular matter, which
8 obviously will be expanded upon in its local impact report in due course.
9 So, sir, unless there's anything further on that matter, can I just ask Mr
10 Bowers to deal briefly with item 4(e).

11 MR BOWERS: Yes, David Bowers, representing Thurrock. The Lower Thames
12 Crossing provides very significant severance across Thurrock, and so
13 therefore it's really important that the connections across the alignment
14 enable people to continue to be able to access different parts of the
15 borough, and that could be by car or by cycle or by bus. The council has
16 very significant concerns about the design of those connections in terms
17 of their width, particularly the ability of the connections to provide facilities
18 for cycling and walking, and also in terms of providing bus-priority facilities.
19 In several cases, the width of these connections precludes the ability to
20 provide those public transport facilities to enable good public transport
21 services to be provided.

22 We have suggested that two of the crossings could be adjusted to
23 provide those sorts of facilities, but National Highways have not
24 progressed with that as a part of their application, so this is something
25 we're going to further develop as part of our local impact report. We see
26 these connections as a really important consideration for ensuring the
27 residents of Thurrock can continue to move around the borough. Thank
28 you.

29 MR PRATT: Thank you very much. Mr Young.

30 MR YOUNG: Yes, I was just going to ask a quick question of Thurrock, there.
31 We've mentioned Orsett Cock and the need for further information, and
32 that in itself will then inform the position on the Tilbury Link Road, but would
33 you agree with the point that the applicant made earlier which was that
34 when it comes to the question of port access in Thurrock, one will need to

1 take a holistic view on this, and so there may well be significant benefits
2 to port access in certain directions, and it may be sub-optimal in another
3 direction, but one will have to make a balance. Is that a fair approach?

4 MR BOWERS: I mean, obviously there is no utopian solution. I think we'll have
5 to adopt a balance, but I think the point at the moment is that we do not
6 feel that the analysis has been sufficient to strike an appropriate balance
7 or explore alternative design options which may work more effectively to
8 serve the needs of the ports.

9 MR EDWARDS[?]: So if I can just add, the answer to your question I think, in
10 principle, is yes, but it comes down to the correct inputs into striking that
11 balance and, at this stage, the council is not satisfied that there has been
12 a proper assessment or sufficient information to allow that balance to be
13 struck robustly.

14 MR YOUNG: I understand that point, yes. Thank you.

15 MR PRATT: Thank you very much, Mr Young. Thank you very much, Thurrock.

16 Next on my list is Mr Douglas, from the London Borough of Havering.

17 Thank you for waiting.

18 MR DOUGLAS: Good afternoon, sir. Daniel Douglas, the London Borough of
19 Havering. I just wanted to touch upon, if I may, question 5 within that wider
20 question concerning adequate provision around non-motorised users.
21 From Havering's perspective, there are a number of specific non-
22 motorised user routes that are proposed as part of this project, as part of
23 the wider scheme, that Havering does welcome. But I think Havering
24 would submit to the panel that there's the non-motorised user routes, in
25 addition to that, in order for there to be policy compliance in particular with
26 paragraph 3.17 of the national policy statement, National Networks
27 Sustainable Travel, there's also got to be adequate connectivity to those
28 particular crossing points, whether it's a footbridge or a particular public
29 right of way, and we would submit that that's not the case at the moment.

30 We will be going into further detail in our local impact report about
31 that, in particular a concern for Havering is the approach routes to the
32 proposed A127 non-motorised bridge between Moor Lane and Folkes
33 Lane, where the approach roads to that particular crossing point aren't
34 adequate enough for pedestrians, cyclists or horse riders – that's

1 something that we want to go into a bit more detail about within our local
2 impact report. Thank you.

3 MR PRATT: Thank you very much. Mr Mansell, would you like to come to the
4 floor?

5 MR MANSELL: I would. Thank you, sir. Nick Mansell, Pinsent Masons, on
6 behalf St Modwen Developments Limited, so that's the promoter of
7 Brentwood Enterprise Park, adjacent to junction 29 of the M25. I would
8 like to make brief submission, if I may, in relation to general item 4(e)(iii).
9 The Brentwood Enterprise Park represents more than 50% of the
10 employment land allocated within the recently adopted Brentwood local
11 plan, and a planning application is currently under consideration by
12 Brentwood Borough Council.

13 Now, there's been extensive engagement between St Modwen and
14 the applicant over a number of years, in order to ensure that the Enterprise
15 Park and LTC can both come forward, and in particular, technical solutions
16 are being worked out to address how a shared vehicular access from the
17 B186 can be delivered, and how walkers, cyclists, and horse riders can
18 cross the A127 without severing the proposed northern vehicle access to
19 the Enterprise Park. We'll provide further detail as part of our written report
20 at deadline one, but at this stage we'd just like to emphasise that it's
21 extremely important that LTC does not prejudice the delivery of this highly
22 significant employment site. St Modwen and the landowner will require a
23 formal agreement with the applicant in order to ensure that the interface
24 between the two schemes is properly managed. Thank you.

25 MR PRATT: Thank you very much. Next on my list is Ms Blake, if you would like
26 to come to the floor, and I'm glad to see that you're not static any more.

27 MS BLAKE: Thank you very much, sir. Laura Blake, Thames Crossing Action
28 Group. Just a couple of observations and comments on the non-motorised
29 users, the public rights of way. We do have concerns that there is no
30 provision for cross-river active travel within the plans, and also the lack of
31 information that has been available on the standards, the surfaces, the
32 widths, etc, of the proposed routes. Not to mention the fact that a lot of
33 the routes that are being claimed as new are actually existing routes, but
34 it seems to be on a technicality that the applicant calls them new, based

1 on the fact that they will be realigned as a direct result of the Lower
2 Thames Crossing displacing the routes that are currently in use, which
3 seems a little bit disingenuous to us.

4 And also just to comment on the fact of the lack of real value to the
5 proposed routes that are coming forward. For example, Tilbury Fields is
6 full of zigzags, spirals and paths that run parallel to each other, which
7 actually seems to be more of a tick-box exercise rather than a real
8 provision for any active travel. Thank you, sir.

9 MR PRATT: Thank you very much. I have no other hands raised, so with that in
10 mind, I think it's probably time to go back to Mr Henderson to – Mr Smith.

11 MR SMITH: No, don't worry. Apologies, that was me jumping the gun.

12 MR PRATT: Well, I see as Mr Smith has decided to leave us for a short time, Mr
13 Henderson, I believe the floor might be yours to make some response or
14 comments on the items that the different participants have raised in the
15 last few minutes.

16 MR HENDERSON: Thank you, sir. Tom Henderson, for the applicant. In the
17 interests of time, we won't respond to all of those points. We obviously
18 will respond to them in writing in due course through the various deadlines
19 that we've got coming up, but I did want to just come back on a small
20 number of those points. Firstly, in relation to port access and port
21 connectivity, Dr Wright addressed us earlier in terms of the reasons why
22 the LTC improves connectivity for ports, so I think fundamentally the point
23 we just want to make is that port connectivity is improved and is better with
24 LTC than without LTC, and that's the fundamental point that we want to
25 get across at this stage.

26 In terms of the statement that was made about the adequacy of the
27 modelling, we wanted to put on record that we don't agree with the
28 statement that was made that LTAM is inadequate for the purposes of
29 understanding junction impacts, and then by extension it's therefore
30 adequate for the purposes of assessing the benefit-cost ratio. So that just
31 responds to that point.

32 The Port of Tilbury made a comment about a lack of commitment
33 to the use of port facilities. On that point, we would direct them to the

1 outline materials handling plan, which is application document reference
2 338, which contains a firm commitment to use port facilities.

3 In relation to the submissions that were made about the Tilbury Link
4 Road, our position there is that it's not required to meet the scheme
5 objectives, and indeed is being progressed separately under the road
6 investment strategy process. This is a perfect example of the point we
7 were making earlier, that for a project of the scale of the Lower Thames
8 Crossing, it's not feasible for it to incorporate all potential interventions
9 across the region that are not required to meet the scheme objectives.
10 Just moving through to check whether I've got any other points that I
11 wanted to respond to. No, I think the remainder of those we'll consider in
12 writing. Thank you.

13 MR PRATT: Thank you very much. At this stage I notice there's no hands, so,
14 Mr Smith, would you like to take the floor?

15 MR SMITH: Thank you very much, and apologies for that slightly unplanned
16 intervention before that ran the risk of cutting off the applicant. Just before
17 we move to the break, noting that we are approximately half an hour later
18 that we said our indicative break time would be, I did just want to canvass
19 the room in relation to process, because I think it's fair to say that looking
20 at the content of the remaining agenda items, it has become apparent that
21 we will not do justice to the remainder of this agenda tonight, because
22 realistically, in fairness to everybody, I don't think it would be acceptable
23 to sit on for any great time later than 5.30. So I think we are, I'm afraid, in
24 a world where we will need to use a small amount of our resumption time
25 from 10.00 a.m. on Friday morning.

26 So the first thing I did just want to check is whether there is anybody
27 in the room for whom that is particularly difficult, because that, in turn,
28 might enable us to further prioritise our routing through the remaining
29 agenda items and consider who we might then hear. Can I see hands if
30 there's anybody who will struggle, for good reason, to use resumption time
31 from 10.00 until approximately 12.00 on Friday morning? I am not seeing
32 any hands, which I suggest then gives us reasonable operating flexibility
33 to adjourn an element of this hearing into that reserve time, so I'll flag that
34 we will do so.

1 So what we're going to do is at approximately 4.15 now, we will
2 break for 15 minutes until 4.30, and we will resume, and we will start to
3 deal with item 4(f). We will move as far as we can, and any material that
4 is uncomplete from 4(f) onwards – I flag that will be (g) and I can't imagine
5 at all we will get onto (h) tonight – will be picked up from 10.00 a.m. on
6 Friday. So, ladies and gentlemen, let us break now and let us resume at
7 4.30. Thank you very much.

8
9 **(Meeting adjourned)**

10
11 MR SMITH: Welcome back, everybody. Good afternoon, and we are now
12 resuming issue-specific hearing 1 in relation to the Lower Thames
13 Crossing application. For those following the agenda, we are at agenda
14 item 4(f), mitigation, design and delivery. Very shortly, I will hand over to
15 my colleague, Ms Janine Laver, who will lead this item.

16 However, just before I do, I will flag, as I did before the break, for
17 anybody who is maybe joining us on livestream after the break, that it is
18 clear that we will not finish all of this agenda tonight. We will make as
19 much progress through item F as we can. We will, come what may,
20 adjourn at approximately 5.30, maybe even a little earlier, just to make
21 sure that various people with commitments in the evening are able to fulfil
22 those, and we will be resuming at 10.00 a.m. on Friday with the unheard
23 business on this agenda. So with no more ado, I'm going to move back to
24 Ms Laver who will proceed with agenda item 5(f). Ms Laver.

25 MS LAVER: Thank you very much, Mr Smith. Everybody, I'm conscious of the
26 time and how late we are into the afternoon, but I do have a slight change
27 to the published agenda for item 4(f), in that I have a preliminary query on
28 nitrogen deposition site selection, which leads us then into the published
29 questions about the two sites within the application, and then I have an
30 additional question about delivery. My plan is to move through the
31 questions and ask the applicant to speak, and come to interested parties
32 at the end, but I'm going to take question one first, then to the applicant,
33 and then couple the rest together, just simply because that's how they sit
34 neatly in that way.

1 So my first question for the applicant is, very simply, how were the
2 nitrogen deposition sites selected? And then the second part to that, could
3 the applicant provide an explanation of the basis or requirement that
4 indicates the amount of land required to be provided to mitigate the various
5 effects, e.g. how is the area of woodland or grassland etc computed? So
6 if I can hand over to Mr Henderson to maybe ask somebody in the team
7 to give me a response on that. I appreciate it wasn't published, but
8 somebody must know how the sites were selected.

9 MR HENDERSON: Thank you, madam. Tom Henderson, for the applicant. I'm
10 going to invite Mr Forrest – Barney Forrest – the environment lead on the
11 Lower Thames Crossing project to respond on that immediate question
12 you've asked.

13 MS LAVER: Thank you.

14 MR FORREST: Good afternoon. Barney Forrest, for the applicant. Thank you
15 for the question. I think the selection of the nitrogen deposition sites was
16 set out in our local refinement consultation, and then in the application
17 within the project air quality action plan, which is appendix 5.6 to the
18 environmental statement, document 6.3, and its reference is 350. It sets
19 out a detailed rationale of how the sites were selected and then refined,
20 and it also provides a detailed basis of how the area provided was
21 calculated, based on an understanding of the area of designated habitats
22 which were impacted by nitrogen deposition. So the document to look at
23 for a clear explanation of that is in there. I could go further, but I think it's
24 probably better to have a look at that first and then come back as required.

25 MS LAVER: I'm comfortable with that. If we have any questions in the process,
26 we'll obviously put them in written questions, but thank you for leading me
27 to water. So moving then on to the published question, can the applicant
28 provide some clarity on what appears to be some element of double
29 counting of the benefits of some elements of mitigation, design and
30 delivery? Now, the two examples we have there are Hole Farm near Great
31 Warley, and obviously Bluebell Hill and Burham which are affected by your
32 potential minor refinements consultation. When the panel visited Hole
33 Farm recently, we saw some signs which were up saying, 'This site has
34 been acquired by National Highways for creation of a community

1 woodland,' and we're told in the application that this is specifically nitrogen
2 deposition as mitigation.

3 Through the Bluebell Hill and Burham – they weren't initially in the
4 project. They then are in the project, and now there's potential to take
5 them out of the project, so we're really trying to get some clarity on whether
6 sites are being double counted. And I suppose in relation to Bluebell Hill
7 and Burham, I understand if you do take them out from minor refinements,
8 it's because there's a stewardship scheme in play there. Now, I don't know
9 the details of that stewardship scheme, but that clearly sits outside of the
10 DCO. So are they mitigating or are they not mitigating for the LTC, and if
11 they're still intending to be mitigation but under stewardship, how is that
12 guaranteed long-term? If you could come back on that, that would be
13 great.

14 MR FORREST: Hello. Barney Forrest, for the applicant. Many thanks for the
15 question and for clarifying it, and good to see that you've been out to Hole
16 Farm, which is a lovely site. So Hole Farm is an interesting case because
17 it was initially purchased by National Highways to provide a legacy and
18 benefit function. Following the purchase of the scheme, we identified that
19 it would be a suitable place for some ancient woodland compensation to
20 go, and that is Hole Farm West, which has the works number E50, I
21 believe. Just a sort of point of clarity, Hole Farm is providing compensation
22 rather than mitigation on all of these points.

23 So there's ancient woodland compensation, which is referred to as
24 Hole Farm West, which is 26 hectares, and then 75.2 hectares is provided
25 for nitrogen deposition compensation, and that's works number E52. And
26 there's also the provision of replacement special category land for 2.9
27 hectares within that area. Just in terms of the back story of Hole Farm, it
28 was initially purchased to provide community woodland as part of a legacy
29 and benefit initiative which National Highways was undertaking outside of
30 the Lower Thames Crossing scheme, in partnership with Forestry
31 England. National Highways had been working hard with Forestry
32 England to develop that as community woodland.

33 The purchase of Hole Farm was recognised as an opportunity to
34 provide early delivery of that compensation that I've just mentioned on the

1 site, but importantly it doesn't necessarily preclude the use of the site as a
2 community woodland, because the provision of the habitat that we're
3 talking about – both ancient woodland and the nitrogen deposition
4 compensation, which can be a mixture of both woodland and mosaic
5 habitat depending on the habitat that's been impacted and what's
6 appropriate in the area – has been brought forward.

7 The proposals are that for any infrastructure elements that would
8 be unique to the community woodland, they will be brought forward as a
9 separate town and country planning application by Forestry England, and
10 those sit outside the order limits, or the powers of the development
11 consent order, so we're not looking to bring forward those community
12 elements as part of the Lower Thames Crossing consent order. Is that
13 clear, or not quite clear?

14 MS LAVER: Well, it is to a point, but I'm still then confused of the overlap with a
15 planning application now separate. Mr Taylor, you've come on video so
16 I'm wondering if you're sharing the same confusion. You need to unmute,
17 Mr Taylor, sorry.

18 MR TAYLOR: So sorry, Ms Laver, I do have the same confusion. I think we
19 need to know precisely what the mitigation is for this scheme compared to
20 other environmental benefits just generally that arise from –

21 MR FORREST: Okay, so sort of precisely, for the compensation of the
22 aforementioned elements, those are being brought forward under the
23 development consent order, but they – I think the distinction is that in the
24 event that the Lower Thames Crossing project does not proceed, National
25 Highways is committed to delivering the community woodland at Hole
26 Farm in partnership with Forestry England. But this would no longer form
27 a requirement and the compensation would not be bound to the
28 requirements of the design principles or of the outline landscape and
29 ecology management plan, which are two of the control documents
30 attached to the order, and you could then see the design change.

31 The detail that has been included within the compensation which
32 we're providing, provides a greater density of planting and a specific
33 species mix with far less non-native species, and all of that has been
34 developed in consultation with Natural England as an important partner in

1 understanding the compensation meets the requirements that are set out
2 in those previously mentioned control documents.

3 MS LAVER: Okay. One of my follow-up questions – which I said I did have a
4 further question – you’ve probably just covered, because what we didn’t
5 have in the agenda was a question around delivery of that community
6 scheme and whether it goes ahead if this falls away, because as you say,
7 there’s nothing to prevent it happening, it’s just there were signs on site
8 saying, ‘We’ve purchased it. This is going ahead.’ We should have
9 already seen trees and planting in the ground, but we didn’t see any of
10 that. We didn’t see any activity; we just saw signs. I don’t know when they
11 were erected but I suspect there are people in the community that are
12 waiting for their community woodland, and they’re not receiving that
13 because they’re waiting on the outcome of the DCO. Is that fair to say? I
14 realise I’m slightly off-point, but I really want to understand this overlap.

15 MR FORREST: It’s a fair question, and I think what we would say is that five
16 hectares of planting has already been undertaken as both an active
17 engagement with the community – and they’ve been involved in planting
18 – but also that provision of planting is also aligned with the compensation
19 requirements of the DCO scheme, and as with woodland which takes a
20 long time to establish, this is an excellent opportunity to provide that
21 benefit earlier. But the areas such as the car parking and the community
22 facility are outside of the development consent order, as they’re not part
23 of the Lower Thames Crossing scheme, but Forestry England and
24 National Highways in partnership are bringing those forward through a
25 separate application.

26 MS LAVER: Yes, I understand. Could you then take me to the part of the
27 question which I asked about stewardship, just to refresh memory. It was
28 about Bluebell Hill and Burham – I don’t know if I’m saying that correctly.
29 As I said, they weren’t in, they’re now in, they’re now not possibly in, or
30 bits in, and there’s a reliance on a stewardship scheme. A stewardship
31 scheme’s fantastic, but if we’re relying on those areas to still be potential
32 mitigation but outside of the DCO, how do we have any control of that?

33 MR HENDERSON: Madam, if I could just interject for a moment and just take us
34 back one step. Sorry, I know you’ve just asked your question, but I have

1 a couple of additional points to add to what Mr Forrest has said in relation
2 to Hole Farm.

3 MS LAVER: Oh, of course, of course.

4 MR HENDERSON: It was just that there's a compulsory acquisition angle to the
5 Hole Farm situation, which I think is important to bring out in response to
6 your question. So, as Mr Forrest has explained, Hole Farm was initially
7 purchased as a legacy and benefits opportunity when the land became
8 available, and is progressing in parallel, but separately, to the order limits
9 for the Lower Thames Crossing, and therefore none of the ecological
10 benefits at that stage that accrued from Hole Farm were reported in the
11 environmental statements or formed part of our assessments.

12 Now, as the project developed, it was recognised that there was a
13 need for additional land for the elements that Mr Forrest has referred to –
14 so ancient woodland compensation, replacement special category land,
15 but most importantly the requirement to provide compensation for the
16 effects of nitrogen deposition following changes that were made to the way
17 that those matters are assessed. It was important, having recognised that,
18 that the applicant looked to land that it owned first, before looking to
19 potential acquisition of land from private landowners. That's entirely
20 compatible with law and practice around compulsory acquisition.

21 So in fact what happened was the land was brought into the order
22 limits of the Lower Thames Crossing to provide for the essential
23 compensation that was then required as part of the scheme. So in effect
24 there was a repurposing of land which was held by National Highways, in
25 order to deliver the compensation requirements that were needed for the
26 scheme. So that's the difference between the original proposal that was
27 being brought forward in parallel and what you see before you now, but
28 clearly it's possible for us to deliver those compensatory benefits whilst
29 still delivering on the original aspirations to deliver a community woodland.

30 So what you have now is compensation being delivered through the
31 Lower Thames Crossing application to respond to the needs of that
32 scheme, a local application being made for small elements outside of the
33 order limits, which will deliver elements to the community woodland – for
34 instance, the access to the car park – and so that's the situation that we're

1 now presenting in the application. There's absolutely no double counting
2 but there's just, I appreciate, quite a complex history to that but one, as I
3 say, which when you look at the compulsory acquisition angle to this is, in
4 our view, fully consistent with what we should be doing.

5 MR SMITH: Ms Laver, if I could just briefly flag, as the panel member who is
6 leading on CA, that I have noted that point and that we will need to do
7 some further untangling of the Hole Farm story within a compulsory
8 acquisition hearing as well. So I'll just place that down as a marker.

9 MS LAVER: Thank you, Mr Smith. So we return to Mr Forrest, Mr Henderson.

10 MR HENDERSON: Yes, please. Thanks for allowing me just to make those
11 extra points.

12 MS LAVER: No, that's beneficial, thank you.

13 MR FORREST: Hello. Right, so, Mr Forrest, for the applicant, coming back to
14 the second bullet point of your question, which was around the Bluebell
15 Hill and Burham sites which form part of our nitrogen deposition and
16 compensation offer. As Mr Henderson sort of alluded to there, our
17 understanding of the habitat impact of nitrogen deposition on existing
18 sensitive habitats is still a developing science, and the inclusion of
19 ammonia as a component of nitrogen deposition changed the area of
20 designated habitats which were impacted by the proposed scheme in that
21 gap which you identified between application one being withdrawn and the
22 current application being submitted. That is detailed in the project air
23 quality action plan, document 350, an important part of the way we've
24 approached the identification of compensation land.

25 What we've done in our recent minor refinement consultation is we
26 highlighted the implications of our habitat creation proposal on the farm
27 business, as well as the countryside stewardship, and I think it's important
28 to highlight that the impact of the land take, which is from a single
29 landowner for both of those sites combined, was flagged to us of being of
30 importance in terms of consideration to the viability of their business in that
31 location. That forms a very important part of the progression of the minor
32 refinement consultation proposals in this site.

33 So the removal of the reservoir field, which is the section we've
34 removed from the Bluebell Hill site, which is works number E1, and the

1 removal of land at Burham, which is E2, is proposed primarily to minimise
2 the impact of the site acquisition on the viability of the landowner's
3 business, whilst being mindful of the benefits being provided outside of our
4 scheme via this countryside stewardship scheme – which is hard to say
5 sometimes. As explained, the primary driver for nitrogen deposition
6 compensation is enhancing ecological connectivity.

7 So, very simply, we've taken a landscape scale approach to
8 providing compensation for the nitrogen deposition, seeking to enhance
9 ecological connectivity between existing areas of ecological value and, in
10 our view, removing the Bluebell Hill site and the Burham site doesn't
11 necessarily preclude that ecological goal of the site. So we don't feel that
12 it massively reduces the ecological benefit, but at the same time it reduces
13 the impact on the farm business. The presence of the countryside
14 stewardship scheme in this location – and there are various different
15 schemes – focuses on strengthening field boundaries, and this is seen as
16 a complementary to the objectives of habitat creation for nitrogen
17 deposition. We consider that the benefits associated with this scheme and
18 its contribution to the ecological connectivity, as well as considering the
19 impacts of the proposals on the viability of the landowner's business, make
20 it appropriate in this area.

21 So removing the section of the Bluebell Hill site, which is part of a
22 larger field, already has a countryside stewardship scheme proposal to
23 enhance the boundary, which in itself provides some benefit to ecological
24 connectivity in that area. In terms of how the individual sites would be
25 managed to maximise the ecological benefit, that's set out in the outline
26 landscape and ecology management plan, which I referenced earlier,
27 which is application 490, and if you look at section 5.16, that highlights that
28 area. That was the answer I think hopefully covers the question, but if you
29 have anything else on that, I'm happy to try and answer.

30 MS LAVER: Yes. What I'm really trying to get to the nub of is whether you are
31 still relying upon those sites within your ES as contributing to benefits,
32 because I'm not saying they don't – the countryside stewardship clearly
33 will deliver benefits – but it isn't as in mitigation or compensation for this
34 proposal. So do you then have enough nitrogen deposition sites to do

1 what you need to do, to wash its own face for this project, because we
2 can't be dipping into something else if we have no control over it in the
3 long term through the order?

4 MR FORREST: Absolutely. We believe that the core goal with the provision of
5 ecological compensation land is ensuring that we have ecological
6 connectivity between the sites. We believe that the reduction here doesn't
7 undermine the principle of providing comparable ecological connectivity to
8 the area of impact, as detailed in the project air quality action plan. So the
9 simple answer is we think it's fine and we don't rely on the countryside
10 stewardship scheme in the provision of our compensation or mitigation in
11 this instance, or in any instance.

12 MS LAVER: Right, okay, so in essence this site goes, and it still does what it
13 does under stewardship, but it doesn't form part then of your benefits as
14 part of your LTC project.

15 MR FORREST: Yes, that's correct.

16 MS LAVER: Good, alright. I don't know if any of my colleagues have any
17 questions on that. Mr Taylor.

18 MR TAYLOR: It's not so much a question, but a clarification. Just, if that's the
19 case, can we be really clear that that is not put forward as a mitigation and
20 it's just pushed away from the side, so we're really clear of what we're
21 looking at.

22 MR FORREST: Barney Forrest, for the applicant. We will be really clear that
23 that is the case, and just to sort of highlight, it is compensation rather than
24 mitigation, because we can't mitigate the impacts of nitrogen deposition,
25 which is an important point, I think, in this.

26 MR TAYLOR: Thank you.

27 MS LAVER: I think that is a really important point to raise, particularly the way
28 our questions are framed in the agenda. We have used mitigation, which
29 is generally what we do refer to in ES terms, but you are right. I suppose
30 you've in part answered the final question I had, which is about the extent
31 of land take. I think I started with how did you pick your sites? Do you
32 have enough site to wash its face? But the question is there so I will put
33 it out in case you have anything to add, and that is can the extent of land

1 take and acquisition for compensation be fully justified as addressing the
2 need arising from the Lower Thames Crossing project?

3 MR HENDERSON: Thank you, madam. Tom Henderson, for the applicant. Can
4 I just clarify, is your question here one of generality of approach across the
5 LTC scheme, or in relation to compensatory habitat for nitrogen deposition
6 effects?

7 MS LAVER: It is just about nitrogen deposition at this point. We're not going
8 wider than that.

9 MR HENDERSON: Thank you. Mr Forrest, do you want to just come back on
10 that one? Thank you.

11 MR FORREST: Thank you, madam. Barney Forrest, for the application. In
12 terms of the nitrogen deposition, I think you're right, I did pick it up before,
13 and it is all quite – well, it's complex but it's set out within the Project Air
14 Quality Action Plan, and I think importantly the approach to the provision
15 of compensation and the application of mitigation where possible has been
16 developed in consultation with Natural England, as the statutory
17 stakeholder who's interested in biodiversity matters. But, simply put, yes,
18 we're confident that we're providing a comparable level of compensation
19 land to the level of significant effect that we've identified on designated
20 habitats as a result of nitrogen deposition, and we're not going beyond that
21 which we should, or below.

22 MS LAVER: Okay. Thank you. If any members of the panel want to ask
23 something before I put it out to the floor. No. Does any interested party
24 wish to come in at this point? Okay, I can see Ms Laura Blake from TCAG,
25 if you would like to join me, please.

26 MS BLAKE: Thank you very much, Ms Laver. Laura Blake, Thames Crossing
27 Action Group. Just really a comment on the Hole Farm community
28 woodland. This is something that we've been raising with the applicant
29 from the very first announcement that National Highways made in regards
30 to the Hole Farm community woodland. As it was publicly stated
31 numerous times that they would be progressing it regardless of whether
32 the LTC went ahead or not, to improve biodiversity on the main routes that
33 they have on the strategic road network, there has been mention from the
34 applicant about the fact that there is a separate application going in, which

1 we understand will go to Brentwood Council, regarding a car park and
2 visitor centre.

3 With all due respect, a car park and a visitor centre is not a
4 community woodland. A woodland, by very nature, would have to have
5 trees and planting, which is where we feel that it is creative accounting,
6 because if you're talking about planting for a community woodland, how
7 can it then be considered as compensation for the LTC, should it go
8 ahead? Thank you.

9 MS LAVER: Thank you, Ms Blake. Does anybody else want to raise something
10 before I go back to the applicant on that point? No. So Mr Henderson, do
11 you want to come back on that point, please?

12 MR HENDERSON: Thank you, madam. Yes, please. I'm actually going to
13 introduce a new witness, Suki Coe, who is the planning lead for the Lower
14 Thames Crossing and can respond on the point that was raised about Hole
15 Farm.

16 MS COE: Thank you. Suki Coe, for the applicant. The important thing in relation
17 to this aspect around the town and country planning application and Hole
18 Farm is that of course tree planting is not development and therefore
19 doesn't require town and country planning permission, so the application
20 is focused very much on those elements of the Hole Farm project that
21 require planning permission. The planning application is due to be
22 submitted shortly, and the planning statement that accompanies that
23 application sets out very clearly which elements are requiring planning
24 permission and which elements do not, and also it sets out, therefore, how
25 those other elements will be delivered as part of the Thames Chase
26 Community Forest. Forestry England are the joint applicants, supported
27 by National Highways, and their objective is absolutely to provide that
28 woodland environment, so that's why there's a town and country planning
29 application. It is only for those elements that require planning permission.

30 MS LAVER: Thank you very much for that clarification. I don't see any further
31 hands raised, and I don't have any further points to make. I said at the
32 start I had a question about delivery, but that was covered, and so I don't
33 need to ask it again. So on this particular agenda item, I think I'm
34 complete, so I'll pass over to my colleague, Mr Smith.

1 MR SMITH: Thank you very much, Ms Laver. Now, ladies and gentlemen, we
2 are moving on in the agenda to item 4(g), which is a very short item – a
3 relatively short item – compared with some of the previous ones. I’m
4 hoping that we will conclude 4(g), but I’m very clear that, once we do,
5 that is the point at which we will adjourn this hearing. We will not attempt
6 to even make a start on 4(h), because there’s a lot of material in there
7 and that has to live to fight on Friday morning.

8 So turning, then, to 4(g), I will firstly look at item 1. I will then take
9 item 2 to the applicant as well and ask for responses to them both before
10 I open it up to the floor.

11 One, you’ll see that, of course, this is, in part, a development
12 consent order matter and we will be exploring the drafting approach in
13 the draft development consent order in issue-specific hearing 2
14 tomorrow, but we had, in the introduction from Mr Henderson, a very
15 clear view provided that the utilities and transmission diversions are
16 matters that are characterised as nationally significant infrastructure
17 projects in their own right.

18 Now, we had two questions in relation to that, the first being the
19 simple legal technical threshold question, which is: are they? And
20 running the slide rule over them, not being 100% clear about the degree
21 to which they are.

22 But there is a slightly higher-order question than that, which is:
23 whether they are or not, legally is there any reason why they should not,
24 even if they are capable of meeting statutory NSIP definitions for works
25 of their particular class and character, also be capable of being
26 authorised as associated development pursuant to a highways NSIP
27 under this development consent order? Now, that might sound like an
28 arcane point, but it is a point, and this is the nub for this particular hearing
29 as opposed to the DCO issue-specific hearing.

30 It is a point that bears on the applicability of policy, because, if those
31 particular elements of the project are specifically NSIPs in their own right,
32 then there’s an argument that they then fall to be determined under the
33 relevant policies in the national policy statements for energy that apply to
34 them, and that, if there is any conflict of terms between those policies

1 and policies in the national networks national policy statement, the two,
2 basically, butt heads, whereas, alternatively, if these are a form of
3 associated development, albeit NSIP capable, albeit ones where it is
4 acknowledged that the energy national policy statements are important
5 and relevant, if that is true, then there is a policy primacy here, and the
6 policy primacy is that the national networks national policy statement is
7 the primary policy and the one that is applied, and where definition in
8 accordance is broadly required under section 104 of the Planning Act of
9 2008. So that's our first matter that I'd like to hear from the applicant on.

10 Then, finally, in relation to item 2, it could be seen as a very minor
11 point, but it relates to design approach and strategy, and so, on balance,
12 we did end up thinking it should come into this hearing. Simply, that is to
13 observe that the electricity transmission components that are proposed
14 to be reinstated – the pylons – are traditional lattice-design pylons, and I
15 did want to ask the project team – an appropriate witness in the project
16 team – whether any specific consideration had been given to alternative
17 approaches to the siting and design of the landscape-visible elements of
18 the utility alignment, including the possible utilisation of sub-surface
19 alignment and/or the possible utilisation of alternative infrastructure such
20 as, for example, T-pylons, because other schemes are bringing forward
21 that sort of infrastructure now, arguably to deliver possible landscape and
22 visual-impact benefits at costs that are not out of order relative to the
23 nature of the benefits provided.

24 Hopefully, that's a reasonable summary from me, so if I can go to
25 Mr Henderson first and hear who will be addressing those, and then I will
26 open this up to the floor.

27 MR HENDERSON: Thank you, sir. Tom Henderson for the applicant. Those
28 questions are well understood and I'm going to invite my colleague, Mr
29 Mustafa Latif-Aramesh, to speak. He's going to cover all of the questions
30 you've raised under this agenda item.

31 MR SMITH: Thank you very much.

32 MR LATIF-ARAMESH: Thank you, Mr Henderson. To address each of the
33 questions that you've put before us, I think it's worth starting with the

1 position which we were expecting to provide further information on
2 tomorrow, and I anticipate we will provide that.

3 MR SMITH: And so do I. So we can leave the technical drafting side of it, really,
4 until then –

5 MR LATIF-ARAMESH: Sure.

6 MR SMITH: – and probably move to the policy implications of it, really.

7 MR LATIF-ARAMESH: Absolutely. So the position is that, as a starting point,
8 the elements of the project – particularly the three gas pipelines identified
9 as NSIPs and the overhead line identified as an electric line NSIP – fall
10 into the categories of the relevant sections and, therefore, the only way
11 they can be granted permission to proceed without committing a criminal
12 offence is to grant them development consent.

13 The planning statement, as you will have heard, does consider the
14 energy national policy statements as applying to those elements of the
15 project. We agree that the primary national policy statement, because
16 this is a highways construction project, which is what gives rise to the
17 other energy NSIPs, is the primary document.

18 On your query around the conflict, or potential conflict, between the
19 different requirements, the planning statement, because it's carried out a
20 detailed assessment of the energy national policy statements, shows that
21 we fully accord with those energy national policy statements, but it's also
22 very difficult to identify any conflict between the national policy
23 statements on the more general aspects of policy compliance. There is
24 a high degree of uniformity in what they require. There are technology-
25 specific requirements which you have alluded to, but they don't conflict
26 with one another.

27 I think what I would say in addition to that is that the information on
28 how we've considered the policies applying to the electricity line NSIP
29 and the three gas pipeline NSIPs is contained in the explanatory
30 memorandum, as well as the planning statement.

31 I think, on your last query, which is around T-pylons and
32 constructing them in a way and how they're designed, I'd ask my
33 colleague, Mr Keith Howell, who is the utilities development lead, to
34 address you on that point.

1 MR SMITH: Thank you very much. It might assist, when he's doing so, if I just
2 flag the application documents that I've been referring to in terms of the
3 landscape and visual effects of the proposed electricity transmission
4 alignment, which is from APP-244, 245, 246, 247, where, obviously,
5 there are illustrations of the post-construction state.

6 MR HOWELL: Good afternoon, sir. Good afternoon, all. Mr Keith Howell for the
7 applicant. I am the utilities development lead. With regard to the
8 electricity transmission networks, essentially they haven't been
9 disaggregated in our approach to how utilities are integrated into the
10 design. And I'd make reference to application document APP-140, which
11 is the project description – namely, plate 211, which shows the iterative
12 process for design development.

13 But I'd also like to go slightly further and then make reference to
14 application document APP-495, which is the planning statement. Within
15 there, at para 5.6.12, we iterate that the designs have been
16 collaboratively formed with National Grid Electricity Transmission. They
17 are the relevant subject matter experts with regard to this, and it is their
18 network.

19 Now, they have undertaken internal reviews as part of their design
20 development before proposing them to the applicant. And quoting
21 paragraph 5.6.12, they communicated that 'various factors have been
22 considered in assessing the various options for overhead line diversions
23 relevant to the project'. Firstly, the technical feasibility, ensuring
24 clearance of the project road design, minimising impacts on the existing
25 overhead line network, minimising the length of change and number of
26 new temporary towers, ensuring efficient, safe and economical
27 construction and maintenance, factoring in construction work areas
28 associated with access, scaffolding and screening[?] activities, and then
29 taking account of industry-standard routing practices through application
30 of the Holford rules and compliance with national policy statement EN-5.

31 They have also further communicated that they have
32 avoided/minimised impacts on known ecological, historical, landscape
33 and visual and socioeconomic constraints, and they've had regard to

1 project design elements, including compounds, environmental mitigation
2 and flood mitigation.

3 We will communicate further, but I think, for the relevance of time,
4 with regard to the T-pylon question, these networks contain hundreds of
5 pylons, of which our maximum extent is nine new pylons within those
6 hundreds. To change the form of the pylon to a completely different
7 material and structure type would be illogical and then impose issues
8 onto National Grid in the context of the maintenance and operation of
9 those networks, which they have tried to stay away from. They've been
10 very clear in their communication with the project, and I will provide the
11 relevance in the quoted text in our written response, but, essentially, they
12 would not expect no additional cost or burden associated with our
13 development on those networks for the operation and maintenance of
14 those networks, which those pylon types may have incurred, or the
15 undergrounding of them overhead line networks may have incurred.

16 MR SMITH: Okay. That is a very clear answer. From your perspective and their
17 perspective, proposition, you have the best optimised design approach.
18 Now, I'm just going to ask for raised hands in the room. Are there people
19 that would like to speak on this item? It will be the last item we deal with
20 today before the adjournment. And I am seeing Thurrock Council and
21 I'm also seeing Alison Dablin, Michael Bedford KC. Anybody else?
22 Okay. Those are the people who I will invite to speak. And I will run to
23 Alison Dablin first, and then I will do the local authorities and, just to
24 change thing around a bit, I'll go to Thurrock Council, and then, finally,
25 Michael Bedford for Gravesham. So Ms Dablin.

26 MS DABLIN: Thank you. Alison Dablin for the Port of Tilbury. The proposals in
27 the application include the realignment of a number of utilities in and
28 around and over the Port of Tilbury's land. Of particular practical concern
29 is the intention to lay multi-utilities below Substation Road. I believe this
30 is work number MUT4.

31 The Port of Tilbury – we have informed the applicant that there is
32 ducting in this location that is at capacity and is, therefore, not available
33 to be used for the multi-utility realignment, and there is also a conveyor
34 tunnel that serves the CMAT that crosses Substation Road in this area,

1 meaning that the multi-utilities will need to be routed around it. It's not
2 clear at this point how the applicant will be able to realign the multi-utilities
3 beneath Substation Road in view of these obstacles, and there doesn't
4 appear to be enough room within the order limits in order to change the
5 routing, so we are very much alive to the fact that, depending on how the
6 applicant chooses to address this issue, a change in the order limits may
7 be required.

8 The Port of Tilbury would, therefore, welcome further insight from
9 the applicant as to how it anticipates managing this, so that we may also
10 advise on the feasibility of any proposed solutions and, I suppose, just
11 on a more broad basis, flagging that there may similar instances along
12 the route in relation to the proposed realignment of utilities, where it may
13 not be possible in practice. Thank you.

14 MR SMITH: Thank you very much. Okay. I'll now go to Thurrock Council,
15 please.

16 MR EDWARDS: Thank you, sir. Good afternoon. I'm going to begin – it's
17 Douglas Edwards KC for Thurrock Council – in respect of the point that
18 you raised concerning how the utility diversions are dealt with and how
19 national policy statements apply, and then Mr Stratford and Mr Davis are
20 going to deal briefly with some further matters arising under [asset T1?].

21 So if I can deal with the first matter, which, essentially, is a legal
22 matter, in Thurrock Council's view, the proposed utility diversions can be
23 treated as NSIPs in their own right. There is also no reason, as far as
24 we understand the position in law, why they should not be considered as
25 associated development.

26 However, whichever way they are considered – either as NSIPs in
27 their own right or as associated development – we agree with what the
28 applicant has submitted, that they would have to be considered by
29 reference to and against the national policy statements that apply to
30 those particular forms of development. And even if they are considered
31 as associated development, those national policy statements are still
32 engaged and need to be applied. The council will address any matters
33 of conflict with those national policy statements that arise in the context
34 of the proposed diversion works in its local impact report in due course.

1 So that is how we see the matter in terms of approach. Unless I
2 can be of any further assistance on that, I'll hand over to Mr Stratford and
3 then Mr Davis, who will deal with some particular additional matters
4 briefly arising out of item 3(i).

5 MR SMITH: Thank you. No, do hand over. Those were clear submissions.

6 MR STRATFORD: Okay. Chris Stratford for Thurrock Council. Good afternoon.

7 I think the first point – originally, as part of your annex B of rule 6, you did
8 indicate that the majority of today would be about utilities. Consequently,
9 we made a submission under procedural deadline C and, in that
10 submission, we dealt, in two or three pages, with the issues we had about
11 how utilities have been dealt with throughout the DCO application. We
12 drew attention, as you will remember, to previous comments that we've
13 made in earlier consultations, with the fact that it was rudimentarily dealt
14 with. It was scattered over several documents. And then we've done an
15 initial assessment of the current DCO documentation, and we've listed
16 all the different places in which you could find reference to utility
17 diversions.

18 Andy Davis can go into a little bit more detail after this, but the two
19 assessments of the gas and the electricity diversions are contained in
20 two separate documents. One is appendix 1.3, which is APP-334, and
21 the electricity one is contained in annex 2 of the explanatory
22 memorandum, which is APP-057.

23 Now, at the risk of being slightly cheeky, you have 55,000 pages
24 devoted to the impact of the scheme of the road. In those two
25 documents, there are only 25 pages devoted to the assessment of those
26 four NSIP diversions against policy, which seems slightly inconsistent.
27 So at that point, having said that and drawn your attention to the PBC
28 submission, if I hand over to Mr Davis to just summarise some of the
29 points in that previous submission and some of our concerns going
30 forward as to how we analyse anything. Thank you.

31 MR SMITH: Thank you very much.

32 MR DAVIS: Good afternoon. Andy Davis here representing Thurrock. I think,
33 from reading the information contained to date, as Chris mentioned, the
34 utilities information is spread over a wide number of documents, which,

1 in essence, makes it very difficult to understand the exact limits of the
2 diversionary works and what is entailed. So to make life a lot easier for
3 us, I would suggest that these should be contained in one or two
4 documents – one covering the electricity NSIP and the other document
5 covering the gas NSIPs – with plans, etc, clearly identifying the existing
6 routes and the proposed routes of diversions, what works are going to
7 be entailed, and temporary works corridors, etc.

8 Chris, is there anything else? Sorry.

9 MR STRATFORD: No, I don't think so.

10 MR EDWARDS: Thank you, sir. That concludes the comments on this matter
11 from Thurrock Council.

12 MR SMITH: Thank you very much. Thanks. I was just grabbing a note of those
13 there. So I'm now then going to transfer to Michael Bedford KC for
14 Gravesham, and then we'll return to the applicant and close off this item.
15 So Mr Bedford.

16 MR BEDFORD: Thank you, sir. Michael Bedford, Gravesham Borough Council.
17 Sir, I'm going to make this point with a degree of temerity, because I know
18 that it's not the point that has just been made to you by Mr Edwards. It
19 would seem to me that the terms of section 115(i) of the 2008 Planning
20 Act meant that, if something fell within [inaudible] – that is to say it was
21 something for which development consent was required – that would put
22 it within subsection 115(i)(a) and, therefore, it would not be associated
23 development, which is in what [inaudible] had read, section 115(i)
24 [inaudible] as disjunctive. That is to say there are things for which
25 development consent is required [inaudible] development or there are
26 things which are related housing development, and I had read them as
27 three different things and that, therefore, if it were the case that the
28 utilities diversions constitute NSIPs in their own right, then that is the
29 route that you would go down. You wouldn't then treat them as
30 associated development. But sir, I put that forward with a degree
31 temerity, because I'm realising that it's directly contrary to a very
32 experienced practitioner, who I normally take a great deal of note of his
33 position. So I don't want to waste –

1 MR SMITH: I will be completely frank, Mr Bedford – and this will assist, hopefully,
2 the applicant in their submissions on this too. There’s a degree to which
3 this is territory on which angels fear to tread. There are different views
4 amongst eminent analysts, and that’s why we’re exploring it.

5 MR BEDFORD: Indeed. So what I think you would probably be helped by,
6 because it’s purely a point of law and a point of construction – it may be
7 helpful if, outside of the examination, those with an interest – the legal
8 representatives with an interest in the topic perhaps try to explain
9 positions to you and reach a common position. Certainly, we’re not
10 saying it creates a problem as to how it is going to be dealt with. It’s just,
11 in a sense, that one ought to get the analysis right.

12 MR SMITH: Absolutely.

13 MR BEDFORD: So sir, as I say, I don’t want to waste undue time on it, but, at
14 the moment, my current view is that it’s slightly different to the way that it
15 has been put by Mr Edwards, but it’s certainly a matter that can be
16 resolved through this process.

17 MR SMITH: I think that’s a very, very productive suggestion and certainly one
18 that I will be suggesting the applicant and, indeed, counsel for a number
19 of the interested parties with an interest in this specific point should
20 engage upon.

21 Do you have further matters to add, Mr Bedford? Thank you very
22 much. In which case I will go back to Mr Henderson for the applicant.

23 MR HENDERSON: Thank you, sir. This one is still being led by Mr Latif-
24 Aramesh.

25 MR SMITH: Apologies. Well, Mr Latif-Aramesh.

26 MR LATIF-ARAMESH: Thank you, sir. Mustafa Latif-Aramesh for the applicant.
27 We’ve just got some brief comments to make, noting that we’re five
28 minutes from your desired end for this hearing.

29 MR SMITH: Yes.

30 MR LATIF-ARAMESH: So to take the points in reverse order, we agree with
31 Mr Bedford KC’s comments that they’re mutually exclusive categories.
32 And if something is development for which development consent is
33 required, it cannot then be associated development. And we would just
34 draw your attention to section 160 and 161 of the Planning Act as well,

1 which says that, if you carry out development for which development
2 consent is required, it's a criminal offence.

3 And so if we proceeded under the associated development route,
4 it would run the risk of constituting a criminal offence. In the end, we
5 think we've taken the precautionary approach, not least because, when
6 there is an energy NSIP, there are requirements under the 2009
7 regulations to prepare particular documents, and so, had we not
8 proceeded how we have, there would be a risk of not complying with the
9 2009 regulations. Ultimately, the judgement will be for the Secretary of
10 State to decide, but, from our perspective, we meet the tests of the
11 relevant energy NSIPs. We've considered the policy, though we agree
12 with you that the primary policy in consideration here is the national
13 networks NPS.

14 I think the next comment I'd like to make is just in response to
15 Thurrock Council's comments on the way that the assessments have
16 been presented, and I think it's important here to disaggregate three
17 different types of assessment. So the first is whether the utilities works
18 are themselves NSIPs. The analysis for that is presented in the
19 explanatory memorandum, and reference has been made to two
20 separate documents which then touch on them. The first is annex 2 and
21 the other is appendix 1.3 of the ES.

22 In high-level terms – and again, I don't want to get into the detail of
23 it – appendix 1.3 forms part of the ES, because the test relates to a
24 consideration relating to significant environmental effects. And so from
25 our perspective, we thought that was more appropriately sat within the
26 environmental statement. I would just note on that point that the A428
27 project, which included a gas pipeline NSIP but was, fundamentally, a
28 highways NSIP, went with the same approach, so what we've done is not
29 abnormal in that context.

30 Then we have the environmental assessment of the works. Now,
31 to be completely clear, the environmental statement assesses all works
32 associated with the project, including the utilities works, whether they are
33 or are not NSIPs. So to a certain extent, the assessment of significant
34 environmental effects associated with the gas pipeline is a theoretical

1 exercise that we've carried out for the purposes of determining whether
2 those works are NSIPs in and of themselves.

3 And then there's a final assessment, which is the assessment
4 against policy. That is contained in the planning statement, because the
5 planning statement is the primary document that deals with the
6 application of policy. There is, in appendix C of the planning statement,
7 a comprehensive and full assessment against EN-1, EN-4 and EN-5,
8 which we would specifically refer to as looking at the areas where there
9 might be different requirements in showing full compliance with those, to
10 the extent that they are applicable.

11 And then the final point, which was a request for clarity on how the
12 plans show the utilities works, the works plans themselves disaggregate
13 the different types of works. They also show, in connection with electrical
14 lines specifically, which I think was the comment, the existing route for
15 those works. From our perspective, those plans are clear in
16 disaggregating the different types of gas pipeline, overhead line and
17 multi-utility corridors.

18 I think those are all the submissions we had in response to what's
19 been raised. Thank you.

20 MR SMITH: Thank you very much, Mr Latif-Aramesh. I do have a hand from
21 Alison Dablin and, at risk of going back round in circles, because that
22 was the applicant's responding submission, but conscious that we're very
23 close to the end of the day, Ms Dablin, can I just ask you briefly what the
24 matter is?

25 MS DABLIN: I'm just flagging that I don't think Mr Latif-Aramesh responded to
26 our points, so I'm just taking the opportunity to clarify that we can expect
27 it in writing.

28 MR SMITH: Okay. Indeed. Good point. Mr Latif-Aramesh, is that taken
29 onboard?

30 MR LATIF-ARAMESH: Yes, thank you, sir.

31 MR SMITH: I know we're tight for time.

32 MR LATIF-ARAMESH: Yes, we will respond in writing and we're happy to do so.

1 MR SMITH: Thank you very much. So in which case, then, that takes us to the
2 end of agenda item 4(g). That's the point at which we will adjourn this
3 hearing for the day.

4 If I can just briefly invite my panel member colleagues all on to
5 camera and flag that we will be resuming at 10.00 on Friday 23 June in
6 order to hear the remaining agenda item 4(h) and then through to the end
7 of – that's the remaining substantive agenda item, and then the
8 procedural items at the end of the agenda, and we will then close the
9 hearing on Friday. So we won't cover off any of the other consequential
10 matters like actions tonight. We're going to draw a line under everything.

11 And on that basis, ladies and gentlemen, can I wish you all a good
12 evening and ask that, when you do join on Friday morning – and
13 registration will be open from 9.50 – and I'll just flag that it really does
14 assist our case officer colleagues in registration if people do come in
15 promptly for registration, so that everybody is assembled and ready to
16 go with a reasonable number of minutes in hand before the event itself
17 starts at 10.00.

18 Thank you very much for participating, and I will now adjourn.
19

20 **(Meeting concluded)**